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JOURNAL

OF THE

House of Representatives

OF THE STATE OF INDIANA,

DURING THE

FORTY-EIGHTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING WEDNESDAY, NOVEMBER 13, 1872.

SPECIAL SESSION.

INDIANAPOLIS:

R. J. BRIGHT, STATE PRINTER.

1872.





JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

SPECIAL SESSION, 1872.

During the special session of the General Assembly of the State of Indiana, begun and held in the City of Indianapolis, on Wednesday, the 13th day of November, A. D., 1872, being the day fixed for the meeting of the same by the following proclamation of the Governor of the State of Indiana, calling the said special session :

PROCLAMATION.

STATE OF INDIANA,
EXECUTIVE DEPARTMENT.

WHEREAS, The public welfare requires that the General Assembly of the State of Indiana should be convened in special session :

Therefore, In pursuance of the constitutional provision on that subject, I, CONRAD BAKER, Governor of the State of Indiana, do, by this Proclamation, call a Special Session of said General Assembly, to be held at the State House, in Indianapolis, commencing at

From the county of Marion—Nathan Kimball, Edward King, John J. W. Billingsley, and Edward T. Johnson.

From the counties of Miami and Wabash—Cyrus V. N. Lent.

From the county of Miami—John W. Eward.

From the counties of Morgan and Johnson—William S. Shirley.

From the county of Morgan—Harvey Satterwhite.

From the county of Monroe—Andrew W. Reeves.

From the county of Noble—Henry C. Stanley.

From the counties of Orange and Crawford—William M. Ellsworth.

From the county of Owen—Jesse H. Reno.

From the county of Posey—James W. Whitworth.

From the county of Perry—Gabriel Schmuck.

From the county of Parke—John E. Woodard.

From the county of Pike—James Barker.

From the county of Porter—Theophilus Crumpacker.

From the counties of Putnam and Hendricks—Jesse S. Ogden.

From the county of Putnam—Weller B. Smith.

From the county of Rush—Benjamin F. Tingley.

From the county of Ripley—Adam G. Hoyer.

From the county of Randolph—Nathan T. Butts.

From the county of Shelby—Samuel D. Spellman.

From the counties of Switzerland and Ohio—Benjamin North.

From the county of Spencer—William Thompson.

From the county of Sullivan—Stewart F. Coffman.

From the counties of St. Joseph and Marshall—Joseph Henderson.

From the county of St. Joseph—William W. Butterworth.

From the county of Steuben—Eugenius B. Glasgow.

From the county of Tippecanoe—James W. Cole and Elisha Hollingsworth.

From the county of Vanderburgh—James D. Riggs and George Wolfli.

From the county of Vigo—Patrick H. Lee and William K. Edwards.

From the county of Vermillion—John Gronendyke.

From the counties of White and Benton—Robert Gregory.

From the county of Wayne—William Baxter and Lewis C. Walker.

From the county of Washington—James Rudder.

From the county of Warren—Richard G. Odle.

From the county of Wabash—Carey E. Cowgill.

From the county of Whitley—Cyrus B. Tully—97.

Mr. Furnas, of Hendricks, demanded a call of the House, which was seconded, and the following members answered to their names, to-wit:

Anderson,	Glasgow,	Reeder,
Baker,	Glazebrook,	Reno,
Barrett,	Goble,	Reeves,
Barker,	Gondie,	Riggs,
Baxter,	Gregory,	Richardson,
Billingsley,	Gronendyke,	Rumsey,
Bowser,	Hatch,	Satterwhite,
Blocher,	Heller,	Schmuck,
Branham,	Henderson,	Scott,
Brett,	Hendrick,	Shirley,
Buskirk,	Hollingsworth,	Smith,
Butts,	Hoyer,	Spellman,
Butterworth,	Isenhaur,	Stanley,
Broadus,	Johnson,	Shutt,
Cauthorn,	Jones,	Teter,
Clark,	Kimball,	Tingley,
Claypool,	King,	Thompson, of Spencer,
Cline,	Kirkpatrick,	Thompson, of Elkhart,
Coffman,	Lenfesty,	Thayer,
Cowgill,	Lee,	Troutman,
Cobb,	Lent,	Walker,
Cole,	Martin,	Wilson, of Ripley,
Crumpaeker,	Miller,	Wilson, of Jay,
Durham,	McKinney,	Willard,
Eaton,	McConnell,	Wesner,
Edwards, of Lawrence,	North,	Wolfin,
Edwards, of Vigo,	Odle,	Woollen,
Ellsworth,	Offutt,	Wood,
Eward,	Ogden,	Woodard,
Furnas,	Peed,	Whitworth,
Gifford,	Prentiss,	Wynn—95.
Given,	Pfrimmer,	

Mr. Cauthorn, of Knox, moved to suspend further proceedings under the call.

Which was agreed to.

Mr. Furnas, of Hendricks, moved that the House proceed to the election of Speaker.

Whereupon Mr. Kimball, of Marion, nominated the Hon. William K. Edwards, of Vigo.

Mr. Richardson, of Carroll, nominated the Hon. Henry S. Cauthorn, of Knox.

Those who voted for Mr. Edwards were, Messrs.

Baxter,	Gronendyke,	Riggs,
Billingsley,	Hatch,	Rumsey,
Branham,	Hendrick,	Satterwhite,
Butts,	Hollingsworth,	Scott,
Butterworth,	Hoyer,	Tingley,
Broadus,	Johnson,	Thompson, of Spencer,
Cauthorn,	Kimball,	Thompson, of Elkhart,
Clark,	King,	Thayer,
Cobb,	Kirkpatrick,	Troutman,
Cole,	Lenfesty,	Walker,
Cowgill,	Lee,	Wilson, of Ripley,
Crumpacker,	Lent,	Wilson, of Jay,
Edwards, of Lawrence,	Miller,	Wesner,
Eward,	North,	Wolflin,
Furnas,	Odle,	Wood,
Gifford,	Ogden,	Woodard,
Glasgow,	Prentiss,	Wynn—53.
Goudie,	Reeves,	

Those who voted for Mr. Cauthorn were, Messrs.

Anderson,	Buskirk,	Ellsworth,
Baker,	Claypool,	Given,
Barrett,	Cline,	Glazebrook,
Barker,	Coffman,	Goble,
Bowser,	Durham,	Gregory,
Blocher,	Eaton,	Heller,
Brett,	Edwards, of Vigo,	Henderson,

Isenhaur,	Reem,	Shutt,
Martin,	Richardson,	Strange,
McKinney,	Schmuck,	Teter,
McConnell,	Shirley,	Tulley,
Offut,	Smith,	Willard,
Peed,	Spellman,	Woollen,
Pfrimmer,	Stanley,	Whitworth—43.
Reeder,		

William K. Edwards having received a majority of all the votes cast, was declared by the Clerk duly elected Speaker of the House of Representatives, for and during the present session of the General Assembly, and was conducted to the chair by Messrs. Cauthorn and Kimball.

Mr. Edwards was sworn into office by the Hon. Samuel H. Buskirk, Chief Justice of the Supreme Court of Indiana.

Whereupon, the Speaker elect made the following address :

Gentlemen of the House of Representatives :

I thank you for the honor of this election. In assuming the responsibilities of this position, I am fully mindful of the differences of opinion, and the seeming conflict of interests that exist. Conscientious differences of opinion are the natural outgrowth, the necessary result of free institutions. Their discussions is a measurement of reason, and are to be reconciled on this floor, by courtesy in intercourse, decorum in debate, and the observance of order. I ask of each of you, and shall rely upon your cordial co-operation to enable me to discharge every duty intelligently, faithfully and impartially.

The important subjects of legislation will be submitted to you by the Governor, in his message, your familiarity with these and with the views of your constituency, will enable you to act with proper understanding.

Agricultures, manufactures, mining, and every other material interest is prosperous, and if further legislation is needed to advance that prosperity, it will be for you to enact that which is adequate.

The system of education maintained by the State, whereby popular intelligence and public virtue, the fundamental principles, the elements of strength and security are promoted, on the idea that

every child in the State is a child of the State, is a primary not a secondary interest, that commends itself to patriotic pride, to support which, the people of the State are more willing to be taxed, than for any other purpose, that Indiana may not be behind any of her sister States.

The system of benevolence, so freely and cheerfully maintained, whereby the blind are educated, a significant language is given to the dumb, and those who are more unfortunate as to be bereft of reason are tenderly cared for, because they can not care for themselves, and a home for the disabled sailor and soldier is provided, commands the benevolent admiration of humanity.

Whatever may be the result of your deliberations, I trust it will be to your honor, to the credit of the State, and to the will and interest of those we represent.

Hon. Messrs. Hardesty and Mellett presented their credentials and were duly sworn as Representatives of the General Assembly, by Hon. Samuel H. Buskirk, Chief Justice of the Supreme Court of Indiana.

Mr. Woodard, of Parke, moved that the House proceed to the election of Principal Clerk.

Which was agreed to.

Mr. Kimball nominated Cyrus T. Nixon, of Clark county.

Mr. Richardson nominated Dove E. Johnson, of Wayne county.

Those who voted for Mr. Nixon were, Messrs.

Baxter,	Furnas,	Kirkpatrick,
Billingsley,	Gifford,	Lenfesty,
Branham,	Glasgow,	Lee,
Butts,	Goudie,	Lent,
Butterworth,	Gronendyke,	Mellett,
Broadus,	Hardesty,	Miller,
Clark,	Hatch,	North,
Cobb,	Hendrick,	Odle,
Cole,	Hollingsworth,	Ogden,
Crumpacker,	Hoyer,	Prentiss,
Cowgill,	Johnson,	Reeves,
Edwards, of Lawrence,	Kimball,	Riggs,
Eward,	King,	Rumsey,

Satterwhite,	Troutman,	Wolfen,
Scott,	Walker,	Wood,
Tingley,	Wilson, of Ripley,	Woodard,
Thompson, of Spencer,	Wilson, of Jay,	Wynn,
Thompson, of Elkhart,	Wesner,	Mr. Speaker—55.
Thayer,		

Those who voted for Mr. Johnson were, Messrs.

Anderson,	Given,	Reno,
Baker,	Goble,	Richardson,
Barrett,	Glazebrook,	Schnuck,
Barker,	Gregory,	Shirley,
Bowser,	Heller,	Smith,
Blocher,	Henderson,	Spellman,
Brett,	Isenhaur,	Stanley,
Buskirk,	Jones,	Schutt,
Canthorn,	Martin,	Strange,
Claypool,	McKinney,	Teter,
Cline,	McConnell,	Tulley,
Coffman,	Offutt,	Willard,
Durham,	Peed,	Woollen,
Eaton,	Pfrimmer,	Whitworth—44.
Ellsworth,	Rudder,	

Mr. Nixon having received a majority of all the votes cast was declared duly elected Principal Clerk of the House of Representatives.

Mr. Furnas, of Hendricks, moved that the House proceed to the election of Assistant Clerk.

Which was agreed to.

Mr. Kimball nominated Moses G. McLain, of Marion county.

Mr. Richardson nominated George B. Tebbs, of Dearborn county.

Those who voted for Mr. McLain were, Messrs.

Baxter,	Butts,	Clark,
Billingsly,	Butterworth,	Cobb,
Branham,	Broadus,	Cole,

Crumpacker,	King,	Scott,
Cowgill,	Kirkpatrick,	Tingley,
Edwards, of Lawrence,	Lenfesty,	Thompson, of Spencer,
Eward,	Lee,	Thompson, of Elkhart,
Furnas,	Lent,	Thayer,
Gifford,	Melletts,	Troutman,
Glasgow,	Miller,	Walker,
Goudie,	North,	Wilson, of Ripley,
Gronendyke,	Odle,	Wilson, of Jay,
Hardesty,	Ogden,	Wesner,
Hatch,	Prentiss,	Wolfen,
Hendrick,	Reeves,	Wood,
Hollingsworth,	Riggs,	Woodard,
Hoyer,	Rumsey,	Wynn,
Johnson,	Satterwhite,	Mr. Speaker—55.
Kimball,		

Those who voted for Mr. Tebbs were, Messrs.

Anderson,	Given,	Reno,
Baker,	Glazebrook,	Richardson,
Barrett,	Goble,	Schmuck,
Barker,	Gregory,	Shirley,
Bowser,	Heller,	Smith,
Blocher,	Henderson,	Spellman,
Brett,	Isenhaur,	Stanley,
Buskirk,	Jones,	Shutt,
Cauthorn,	Martin,	Strange,
Claypool,	McKinney,	Teter,
Cline,	McConnell,	Talley,
Coffman,	Offutt,	Willard,
Durham,	Peed,	Woollen,
Eaton,	Pfrimmer,	Whitworth—44.
Ellsworth,	Reeder,	

Mr. Moses G. McLain having received a majority of all the votes cast was declared by the Speaker duly elected Assistant Clerk of the House of Representatives.

Mr. Lenfesty moved that the House proceed to the election of Doorkeeper.

Which was agreed to.

Mr. Kimball, of Marion, nominated Mr. W. Thomas Lockhart, of Hendricks county.

Mr. Richardson, of Carroll, nominated Frank M. Schell, of Clarke county.

Those who voted for Mr. Lockhart were, Messrs.

Baxter,	Hatch,	Riggs,
Billingsley,	Hendrick,	Rumsey,
Butts,	Hollingsworth,	Satterwhite,
Branham,	Hoyer,	Scott,
Butterworth,	Johnson,	Tingley,
Broadus,	Kimball,	Thompson, of Spencer,
Cowgill,	King,	Thompson, of Elkhart,
Clark,	Kirkpatrick,	Thayer,
Cobb,	Lenfesty,	Troutman,
Cole,	Lee,	Walker,
Crumpacker,	Lent,	Wilson, of Ripley.
Edwards, of Lawrence,	Melletts,	Wilson, of Jay,
Eward,	Miller,	Wesner,
Furnas,	North,	Wolflin,
Gifford,	Odle,	Wood,
Glasgow,	Ogden,	Woodard,
Goudie,	Prentiss,	Wynn,
Gronendyke,	Reeves,	Mr. Speaker—55.
Hardesty,		

Those who voted for Mr. Schell were, Messrs.

Anderson,	Coffman,	Isenhaur,
Baker,	Durham,	Jones,
Barrett,	Eaton,	Martin,
Barker,	Ellsworth,	McKinney,
Bowser,	Given,	McConnell,
Blocher,	Glazebrook,	Offutt,
Brett,	Goble,	Peed,
Buskirk,	Gregory,	Primmer,
Cauthorn,	Heller,	Reeder,
Cline,	Henderson,	Reno,

Richardson,	Stanley,	Tulley,
Schmuck,	Shutt,	Willard,
Shirley,	Strange,	Woollen,
Smith,	Teter,	Whitworth—43.
Spellman,		

Mr. W. T. Lockhart having received a majority of all the votes cast, was declared duly elected Doorkeeper of the House of Representatives.

Mr. Nixon, Mr. McLain and Mr. Lockhart were sworn to perform the duties of their respective offices, by the Hon. Samuel H. Buskirk, Chief Justice of the Supreme Court of the State of Indiana

Mr. Cauthorn, of Knox, offered the following resolution :

Resolved, That the Clerk inform the Senate that the House has organized by electing the following officers, to wit.:

Speaker—Hon. William K. Edwards.

Clerk—Hon. Cyrus. T. Nixon.

Assistant Clerk—Hon. Moses G. McLain.

Doorkeeper—Hon. W. Thomas Lockhart.

And that the House is now ready to proceed with Legislative business.

Which was adopted.

Mr. Walker, of Wayne, offered the following resolution :

Resolved, That the Speaker of the House appoint a committee of five members, to whom the Clerks and Doorkeeper shall report the names and duties required of all the assistants by them appointed, and it shall be the duty of said committee to authorize the appointment of such assistants only as are needed to report the same to the House for its action, and no person shall have pay for his services as such assistant unless his employment be authorized by such committee and approved by the House. No additional appointments shall be made without the consent of the House.

Which was adopted.

Mr. Furnas, of Hendricks, offered the following resolution :

Resolved, That the rules of the last House of Representatives be adopted for the government of this until otherwise agreed upon.

Which was adopted.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has organized by the election of Hon. George W. Friedley, of Lawrence and Monroe, as Presideet *pro tem*.

David H. Olive, of Boone county, as Principal Secretary.

P. H. Culver, of Tippecanoe county, as Assistant Secretary.

Theodore W. Pease, of Marion county, Doorkeeper.

And that the Senate is ready to proceed to legislative business.

Mr. Butterworth, of St. Joseph, offered the following resolution :

Resolved, That the Librarian furnish this House the rules of the last session, if the same is in print.

Which was adopted.

Mr. Offutt, of Hancock, offered the following resolution :

Resolved, That the rules adopted for the government of the last House of Representatives, be the rules of the House until others are legally adopted, and that a committee of five be appointed for the purpose of revising the rules in the government of the House, and report on Monday next.

Which was adopted.

Whereupon the Speaker appointed the following committee, to wit :

Messrs. Offutt, Kimball, Cauthorn, Henderson, Furnas.

Mr. Satterwhite of Morgan, offered the following resolution :

Resolved, That a committee of three on the part of the House, to act with a like committee on the part of the Senate, be appointed to inform the Governor that the Special Session of the General Assembly, ordered by proclamation of the Governor—is organized and ready to receive any communication he may be pleased to make.

Which was adopted.

Thereupon the Speaker appointed the following committee, to wit :

Messrs. Satterwhite, Cauthorn and Lee.

Mr. Walker of Wayne offered the following resolution :

Resolved, That a special committee of one from each Congressional District be appointed, who shall fix the amount that shall be allowed and paid to each member and officer of the House for stationary and postage stamps, and the number of papers to be furnished by the House, and that said committee be requested to report by to-morrow morning, and that all resolutions on the subject of stationary or papers be referred to said committee without debate.

Which was adopted.

Mr. Cauthorn of Knox, offered the following resolution :

Resolved, That the daily meetings of this House shall be 9 o'clock A. M., until otherwise ordered.

Which was adopted.

Mr. Shirley, of Morgan and Johnson, introduced Joint Resolution No. 1.

Joint resolution of the General Assembly of Indiana.

Joint Resolution No. 1. "A joint resolution proposing an amendment to the constitution by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal."

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be, and hereby is proposed to the

constitution of the State, and that the same be, and is hereby agreed to, and submitted to the electors of the State for their ratification or rejection: *Provided* the same shall be agreed to by a majority of all the members elected to each House of the General Assembly of this State, to be chosen at the next general election. Said amendment to consist of the addition of the following section to the tenth article of the constitution, in the language following:

“No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled ‘An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville,’ passed January 19, 1846, and an act supplemental to said act passed January 29, 1847, which by provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned, and no such certificate or stocks shall ever be paid by this State.”

Resolved, further, That the foregoing joint resolution be, and the same is hereby referred to the General Assembly of this State, to be chosen at the general election to be held on the second Tuesday in October, in the year of our Lord, one thousand eight hundred and seventy four.

WHEREAS, The foregoing joint resolution was passed by the General Assembly of the State of Indiana, at its last preceeding session, begun in January, 1871.

Be it therefore resolved, By the General Assembly of the State of Indiana, at its present session, that said proposed amendment to the Constitution of the State of Indiana be, and the same is hereby agreed to, and that said proposed amendment to the Constitution of the State of Indiana, be submitted to the electors of the State of Indiana, for their ratification or rejection, at the next general election, to be held on the second Tuesday in October, in the year of our Lord one thousand eight hundred and seventy-four.

W. S. SHIRLEY.

Mr. Hardesty moved to refer to a special committee of three.

Mr. Baxter moved to lay the resolution on the table.

H. J.—2

Mr. Barrett and Mr. Richardson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Baxter,	Goudie,	Ogden,
Billingsley,	Gronendyke,	Rudder,
Butterworth,	Hatch,	Reeves,
Butts,	Hollingsworth,	Riggs,
Broadus,	Johnson,	Rumsey,
Clark,	King,	Satterwhite,
Cobb,	Kirkpatrick,	Scott,
Cole,	Lenfesty,	Tingley,
Crumpacker,	Lee,	Thompson, of Spencer,
Cowgill,	Lent,	Troutman,
Eward,	Mellett,	Walker,
Furnas,	Miller,	Wilson, of Jay,
Gifford,	McConnell,	Wesner,
Glasgow,	North,	Woodard,
Glazebrook,	Odle,	Wynn—45.

Those who voted in the negative were, Messrs.

Anderson,	Goble,	Schmuck,
Baker,	Gregory,	Shirley,
Barrett,	Hardesty,	Smith,
Barker,	Heller,	Spellman,
Bowser,	Henderson,	Stanley,
Blocher,	Hoyer,	Shutt,
Branham,	Isenhaur,	Strange,
Brett,	Jones,	Teter,
Buskirk,	Kimball,	Thompson, of Elkhart,
Canthorn,	Martin,	Thayer,
Claypool,	McKinney,	Tulley,
Cline,	Offutt,	Wilson, of Ripley,
Coffman,	Peed,	Willard,
Durham,	Prentiss,	Wolflin,
Eaton,	Pfrimmer,	Wood,
Edwards, of Lawrence,	Reno,	Whitworth,
Ellsworth,	Richardson,	Mr. Speaker,—54.
Given,		

The motion to lay on the table did not prevail.

Mr. Given, of Dearborn, moved to amend, that the resolution be referred to a committee of one from each Congressional District.

Which amendment was accepted, and the motion as amended agreed to.

The following message was received from the Senate, by the Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has appointed a committee of two, to act with a similar committee on the part of the House to inform His Excellency, the Governor, that the General Assembly of the State of Indiana, is duly organized and is ready to receive whatever message he may desire to communicate to that body.

Said committee on the part of the Senate, consists of Senators, Wadge and Fuller.

Mr. Kimball, of Marion, offered the following resolution :

Resolved, That Samuel W. Holmes, Clerk ; John E. Neff, Minute Clerk ; and F. M. Schell, Doorkeeper of the last House, be and are hereby allowed five days pay and mileage for organizing this House, and that the Speaker be directed to draw his warrant on the Auditor for the amount, to be paid out of any money which may be hereafter appropriated for Legislative purposes.

Which was agreed to.

On motion of Mr. Branham of Jefferson, the House adjourned.

THURSDAY MORNING.

NOVEMBER 14, 1872, 9 O'CLOCK.

House met pursuant to adjournment with the Speaker in the chair.

Journal of yesterday read and approved.

The committee appointed on yesterday to wait upon his Excellency, and inform him that the General Assembly is duly organized, and is prepared to receive whatever message he may desire to communicate, made the following report:

The committee to wait upon his Excellency, the Governor, would report that they have performed that duty, and that his Excellency has signified his readiness to deliver his message, to the two Houses in joint session, at 2 o'clock this P. M.

H. SATTERWHITE,
LEE,
CAUTHORN,

Committee.

Mr. Cauthorn offered the following resolution:

Resolved, That the Senate be invited to meet the House this afternoon, at 2 o'clock, in joint convention, to hear such communication as his Excellency, the Governor, may see proper to make to the General Assembly, and that seats for the Senators be furnished on the right of the Speaker's chair, and that the Clerk inform the Senate of the same.

Which was agreed to.

Mr. Butts offered the following resolution:

Resolved, That any elected or appointed officer of this House, who shall be negligent of his duty, or be guilty of using intoxicating drinks during the session of this House, shall forfeit his position, and all compensation whatever thereafter; and any page who shall be guilty of intoxication, or using profane language, shall forfeit his position, and be dismissed by the Speaker.

Mr. Offutt moved to lay the resolution on the table.

Which was not agreed to.

The question recurring on the passage of the resolution,

The resolution was adopted.

Mr. Hardesty offered the following resolution :

WHEREAS, It has cost the State of Indiana twenty-five dollars per diem to carry on the postoffice of the General Assembly for the last several sessions, Mr. Henry C. Painter and William M. Merwin agree, and will enter into bond, to faithfully discharge the duties of postmasters as aforesaid, for the sum of fifteen dollars per day.

On motion of Mr. Hardesty the resolution was referred to the committee on employees.

Mr. Billingsby offered the following resolution :

Resolved, That the State Librarian be requested to furnish each member of the House with a copy of the revised statutes of this State.

Mr. Cauthorn moved to amend by adding "that they be required to return them at the close of the session."

Which was agreed to.

The question recurring on the resolution so amended,

It was agreed to.

Mr. Clark offered the following resolution :

Resolved, That this House will spend a time not exceeding ten

minutes in divine worship, each morning on assembling, before attending to any other business.

Which was agreed to.

Mr. Walker offered the following resolution :

Resolved, That the thanks of the House be tendered to the Hon. S. H. Buskirk, of the Supreme Court, and the officers of the last House, for their services in the organization of this House.

Which was agreed to.

Mr. Mellett introduced

House Bill No. 1. An act amending the constitution and changing the time of holding general elections from the second Tuesday in October to the Tuesday next following the first Monday in November.

Which was read a first time and passed to a second reading.

Mr. Peed introduced

House Bill No. 2. An act to fix the time of holding courts in the Third Judicial Circuit, the duration of the terms thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

Which was read a first time.

Mr. Butterworth introduced

House Bill No. 3. An act to repeal "An act for the construction of levees, dykes and drains by incorporated companies and associations," which took effect May 22, 1869, and also to repeal an act supplemental thereto, approved February 23, 1871.

Which was read a first time.

Mr. Hatch introduced

House Bill No. 4. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains,

and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22d, 1869; and also to repeal an act entitled, "An act supplemental to an act entitled An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject, which act took effect May 22d, 1869, and providing penalties for the violation of the provisions thereof," which supplemental act was approved February 23d, 1871.

Which was read a first time.

Mr. Glazebrook offered the following resolution:

Resolved, That the State Librarian be and is hereby required to hereafter furnish the desk of each member of the House daily with a printed calendar of bills then pending, stating by whom introduced, together with the exact title of the same.

Which was not agreed to.

Mr. Shirley introduced

House Bill No. 5. An act to amend an act entitled, "An act to exempt property from sale in certain cases," approved February 17, 1852.

Which was read a first time.

On motion of Mr. Branham,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

The House met at 2 o'clock, with the Speaker in the chair.

Leave of absence granted to Mr. Wesner until Monday.

The Speaker announced the following committee on employes:

Messrs. Walker, Johnson, Eaton, Woodard and Ogden.

JOINT CONVENTION.

The Senate then in pursuance of the invitation of the House, came into the hall of the House preceded by the President of the Senate, when the joint session was called to order by the President of the Senate.

Mr. Brown of Jackson moved that a committee of three be appointed to wait upon His Excellency and inform him that the joint convention was now in session and ready to receive any communication that he might desire to make.

Which motion prevailed.

The President appointed the following committee:

Senator Brown of Jackson; Representatives Cauthorn and King.

The President then said:

Gentlemen of the Senate and House of Representatives.

We have assembled in joint convention for the purpose of hearing the message of the Governor.

The President then introduced the Rev. Mr. Kumler, who opened the joint convention with prayer, whereupon His Excellency, Governor Conrad Baker, delivered the following message:

Gentlemen of the Senate and House of Representatives:

The growth of the State in population and wealth, and the consequent increased diversity and importance of the subjects and interests requiring legislative supervision and protection, render it impracticable for the General Assembly to transact all the business demanding its attention during its regular biennial sessions (limited as these are by the Constitution to the term of sixty-one days each),

even when nothing extraordinary occurs to impede and prevent legislation. When, however, to these considerations the fact is added, that the last three sessions were all prematurely and abruptly terminated by the resignation of members, and by reason thereof much important and necessary legislation failed to be enacted, no other reason need be offered in explanation of the exercise of the Constitutional power of calling you together at this time in special session.

COMPLETION OF UNFINISHED BUSINESS OF ONE SESSION BY ANOTHER.

The act of March 4, 1865, entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly," ought to be promptly amended. As it now stands, the unfinished business of any regular or special session which is succeeded by a *special* session of the same General Assembly may be taken up and completed by such special session; but, when a special session is succeeded by a regular session of the same General Assembly, there is no provision that the latter may take up and complete the business of the former. This amendment is necessary to enable you at your approaching regular session to complete the business which may be left in an unfinished condition at the close of the present session.

THE GARRETT SUIT AGAINST THE WABASH AND ERIE CANAL.

Those of you who were members of the last General Assembly will remember that in my regular message, delivered at the commencement of that session, I called especial attention to the fact that a suit had been commenced in the Circuit Court of Carroll county, by John W. Garrett, Esq., to enforce against the Wabash and Erie Canal an alleged lien, created by the State prior to 1841, and held by Garrett and others, for whose benefit the suit is brought.

The State, between the years 1834 and 1841, issued a large number of bonds for internal improvement purposes. One hundred and ninety-one of these bonds, or thereabouts, of \$1,000 each, exclusive of interest, are still outstanding, the rest having been surrendered under the legislation of 1846 and 1847, commonly called the "Butler Bill."

Mr. Garrett assumes to be, and I suppose is, the holder of forty-one of these one hundred and ninety-one old bonds, and he sues for himself as well as for the holders of the residue, to enforce a lien on the Canal and its revenues, which, it is alleged, was created by the legislation under which the bonds were issued.

Hon. Horace P. Biddle, Judge of the Court, on the hearing of a demurrer in the cause, decided that the bonds were a lien on the Canal paramount to the title of the Trustees, derived from the State in 1847 under the "Butler Bill," and I am fully satisfied that the decision was a correct one. Garrett's action has been removed by a *change of venue* from the Circuit Court of Carroll county to the Circuit Court of Cass county, where it is now pending. The term of the Cass Circuit Court commenced two days ago, viz.: on the 11th instant, and a judgment may be rendered in a very short time, subjecting the Canal or its revenues to the satisfaction of the claim. The State is not a party to the suit and can not, therefore, exercise the right of appeal, nor can she, under existing legislation, insist that the Trustees shall appeal if they do not desire to do so; and if even the Trustees should desire to appeal, they might not be able to stay the execution of the judgment by giving the necessary appeal bond and security in the absence of any provision by the State for indemnifying the sureties in the appeal bond. Under these circumstances, it is of the highest moment that the subject should receive immediate consideration by you.

I quote from my last regular message the following extracts as expressive of my present views on the subject:

"If these bonds are a lien on the Wabash and Erie Canal, as I believe them to be, the State can not afford to permit the title of the Trustees to be divested or their possession and control of the Canal and its revenues to be interrupted by the judicial enforcement of said lien. To prevent this, provisions should be made to pay out of the treasury of the State such of said one hundred and ninety-one bonds as may be adjudged to be a lien on the Canal and its revenues whenever it may become necessary to make such payment in order to prevent the Canal or its revenue from being subjected to the satisfaction of the lien. Indeed, independently of this lien altogether, I do not see how the State can honorably refuse to redeem these few outstanding Internal Improvement Bonds. They were issued by the State, and the faith of the State was pledged for their redemption, and this pledge can not be disregarded or set aside without the consent of both parties to the contract, if the State has

he ability to redeem the pledge, of which there can be no doubt. If the holders of the bonds had surrendered them under the Butler Bill, as other holders surrendered theirs, and agreed to look exclusively to the revenues of the Canal for one-half of their debt, this would have been a new contract, and the State could not be justly complained of for insisting on its execution. But the holders of the bonds now under consideration have continuously refused to surrender them under the adjustment proposed by the Butler Bill, and the State can not compel them to do so, nor can she refuse to pay them without repudiating her plighted faith.

"If the State should stand by and permit the Canal or its revenues to be wrested from the hands of the Canal Trustees, to satisfy a paramount lien created by the State itself prior to the conveyance of the Canal to said Trustees, then, indeed, might the holders of the Canal stocks, with some show of reason, claim that the State should redeem the many millions of dollars of Canal stocks, which, under the existing arrangement, are exclusively charged upon the Canal, and for which the State is in no way bound.

"I hope that you will promptly adopt such measures as will forever prevent the possibility of the trust being disturbed or impaired by the enforcement of this lien. It is both right and expedient that the State should thus protect the trust property, and I also recommend that the State relieve the Board of Canal Trustees from all the expenses of the litigation to which they have been or may be subjected to in defending the trust property from the attempt made to subject it to the satisfaction of said lien."

Sixty-nine of these one hundred and ninety-one old bonds are held by the Interior Department of the General Government, and I herewith respectfully submit to you a copy of an official communication written to me under date March 25, 1872, by Hon. Columbus Delano, Secretary of that Department, in relation to the unpaid interest due on the sixty-nine bonds last mentioned.

CONSTITUTIONAL AMENDMENT IN RELATION TO CANAL DEBT.

The last General Assembly passed a joint resolution proposing an amendment to the Constitution of this State in relation to the debt charged upon the Wabash and Erie Canal under the adjustment made by the State with her creditors in 1847.

The proposed amendment provides that no law or resolution shall ever be passed by the General Assembly of the State of Indiana that

shall recognize any liability of the State to pay or redeem any certificate of stock issued in pursuance of "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19th, 1846, and an act supplemental to said act, passed January 29th, 1847, which, by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the Canal lands, and the tolls and revenues of the Canal in said acts mentioned, and no such certificate of stocks shall ever be paid by this State. I earnestly recommend that the amendment, the substance of which I have just stated, be promptly agreed to and adopted by the present General Assembly at this session, and that provision be made by law for its speedy submission to the people for ratification. Having heretofore so fully discussed the question involved in the proposed amendment, I do not deem it expedient or necessary now to reiterate my opinions or the arguments urged in support of them, but content myself by saying, that the views expressed in my last regular message on the subject of the Canal debt, and the necessity and propriety of such an amendment to the Constitution, remain unchanged. To the end that these views may be conveniently accessible to all of you, I will cause a pamphlet copy of the message alluded to, to be addressed and delivered to every member of this General Assembly. The fact was brought to my notice some time since that the printed journals of the Senate and House of Representatives of the last General Assembly do not show that the proposed amendment, with the yeas and nays thereon, was entered on the Journal of either House, and consequently, doubt has been expressed as to the validity of the proceedings connected with its adoption.

The Constitution provides that amendments may be proposed in either branch of the General Assembly, and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments, shall, with the yeas and nays thereon, be entered on their Journals and referred to the General Assembly to be chosen at the next general election; and if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors, etc. An inspection of the printed journals will show that the yeas and nays were called and recorded on the passage of the joint resolution in both Houses; that it passed the Senate by a vote

of forty-five yeas to one nay ; that it passed the House by a unanimous vote, ninety-three members voting for, and none against it. The Joint Resolution was duly enrolled, signed by the President of the Senate, and the Speaker of the House of Representatives, and is deposited in the office of the Secretary of State, and was printed and published with the laws passed at the same session. Under these circumstances, I am clear in the opinion that the omission to spread the amendment at large on the Journals does not vitiate it. The provision which says that the amendment shall be entered on the Journals, if indeed it means that it shall be copied at full length, is at most only directory and not mandatory, and consequently the amendment, if passed by the present General Assembly and ratified by the people, will be valid as a part of the Constitution.

In this connection, I desire to call attention to the fact that the original manuscript journals of the Senate and House of Representatives are not preserved, but are sent to the Public Printer and used as copy from which to print, and then destroyed. The journals are printed after the adjournment of the General Assembly under the supervision of the Secretary of the Senate and the Clerk of the House respectively, and as the original manuscript is destroyed after the proof is read, there is no possible means of detecting or correcting any omission or mistake which might be made in the printed volume. I respectfully suggest that this practice ought to be discontinued, and that the original manuscript Journals should be bound in permanent form and preserved in the office of the Secretary of State, and copies thereof furnished to the printer.

THE LATE NORMAN EDDY.

On the 28th day of January of the present year, Colonel Norman Eddy, Secretary of State, departed this life at his residence in this city, after having faithfully performed the duties of that office for about one year, or half the term for which he was elected. The singular beauty and integrity of Col. Eddy's public and private life, his gallant services as a soldier of the Union in the war to suppress the late rebellion, and the industry, fidelity and skill with which he performed the duties of the many public trusts to which he was called, render it fitting that I should leave on record this brief tribute to his memory. He died in circumstances by no means affluent, and Col. John H. Farquhar, whom I appointed to fill the vacancy, appointed Mr. Owen M. Eddy, son of the deceased Secre-

tary, his deputy, and generously allowed the entire salary and all the perquisites of the office to go to the widow and family of his deceased predecessor. Although the labors of the office have been mainly performed by the deputy, its responsibilities and some of its cares and duties, have necessarily fallen upon Col. Farquhar, and I would consider myself remiss in duty if I did not thus publicly express my grateful appreciation of his conduct. May the bread which he has thus cast upon the waters be found by him or his, though it should be after many days.

FEES AND SALARIES.

The act of February 21, 1871, entitled "An act regulating the fees, salaries and duties of certain officers therein named, and prescribing penalties for the violation of its provisions," has proved to be a very defective and ill-considered piece of legislation. Some of the provisions of the act are of such doubtful constitutionality that a portion of the Circuit and Common Pleas Judges have held them to be null and void, while the Judges of other circuits and districts have adjudged the same provisions to be constitutional. The Judges of the Supreme Court itself are equally divided on one or more of these questions, and therefore unable to reverse conflicting and contradictory decisions of the lower courts. The result is not only that we have all the evils of local legislation by having one law or rule of action in one county or circuit, and another law or rule of action in the adjoining county or circuit, but diverse rules prevail in the same county where the Judges of the courts thereof differ in opinion as to the constitutionality of certain provisions of the act. This evil is even greater than the extortions that were practiced under the former law, and if a satisfactory fee and salary bill, of unquestionable constitutionality, can not be perfected and passed at the present session, it would be better to repeal the act alluded to and revive the old law which was supplanted by it, than to suffer longer under existing evils. There can be no question that the former law needed revision, and its revival would only be justified as a temporary expedient, until a just, constitutional and satisfactory measure can be perfected and passed. I respectfully recommend that a commission to consist of five or more experienced and competent persons be appointed with the least practicable delay, to prepare and report a fee and salary bill to the General Assembly for its consideration at the approaching regular session. The fact that the Judges of the

Supreme Court are equally divided as to the constitutionality of some of the provisions of the present fee bill shows the necessity of having an odd instead of an even number of Judges on the bench of that Court. I, therefore, for this and other reasons, renew the recommendation made at the last session of the General Assembly, that provision be made for the addition of another Judge to the bench of the Supreme Court, so that the whole number of Judges shall be five instead of four. I also earnestly repeat the recommendation that the Judges of that court be allowed salaries commensurate with the dignity of their positions, and the learning and industry necessary for the performance of the duties of these positions. As I shall never again have a personal interest in the Governor's salary, I may now also be permitted to speak on that subject. For the credit of the State, and in justice to my successors, immediate and remote, I trust you will, before the commencement of the term of the Governor elect, provide a fixed and adequate salary for the office. If this matter is not attended to at this session, or before my successor shall have assumed the duties of the office, it can not be during his incumbency. The sum allowed should be fixed by the law-making power, but should be in the alternative; that is, so much as long as the State does not provide the Governor with a furnished residence, and a less sum if such a furnished residence is provided, and kept furnished and in repair by the State. I do not hesitate, after an experience of nearly six years, to say that if the Governor shall be required to provide his own residence, furnish it, and keep it in repair, eight thousand dollars per annum is as small a sum as should be contemplated; and if a furnished dwelling is provided by the State, the salary ought not to be less than five thousand dollars. I trust that no one upon whom the people may hereafter confer the office will be subjected to the annoyance which I have suffered in this connection.

CONSTITUTIONAL CONVENTION.

It is now more than twenty-one years since the present Constitution became the fundamental law of Indiana, and in my judgment the time has come when the best interests of the State require that provision should be made for calling a convention to be elected by the people, for the purpose of revising and amending that instrument.

The thirteenth article, and all the other provisions of our Constitution which sought to degrade men and put them under the public

ban because the complexion of their skins did not happen to conform to the approved Caucasian standard, are a reproach to the State, and ought to be stricken out by command of the sovereign people themselves. It is true that these provisions are now a dead letter, but they are still in the Constitution, and printed with it every time a new edition of that instrument is published, the standing witness of our ignorance of, or indifference to human rights, until God scourged us into their recognition by the dread calamity of civil war. Under the Constitution as it now is, it is impossible to have an election law that will be efficient in preventing fraudulent voting. As long as the Constitution neither prescribes nor allows the Legislature to prescribe some term of previous residence, in the county, township, or precinct, as a pre-requisite to the exercise of the right of suffrage, all efforts to prevent the importation of fraudulent voters must be nugatory. The Constitution itself ought to prescribe some term of residence in the proper locality as a condition precedent to the right to vote.

There is little ground of hope that our judicial system will be reformed and adapted to the wants of the people until the Constitution shall itself have been remodeled, and it would require the exercise of superior ingenuity to devise a worse judicial system than that under which we now suffer. There is at present a great demand for civil service reform in the General Government, and in reference thereto, I join in the hope that the hand of reform may not be stayed until the nearest approach to perfection possible in human affairs shall have been attained. I think, however, that the civil service of the State is not so perfect as to justify us in giving all our attention to that of the country at large. The management of our Benevolent, Reformatory and Penal Institutions is liable to be revolutionized by the triumph of this party or that at any general election. This ought not so to be, and there can be no effectual remedy without an amendment to the Constitution. The directors or managers of these institutions should hold for longer official terms than the Legislature is permitted to create, and a portion of them should go out every year, or every two years, so that the government thereof would be raised above the mutations of mere party and the requisite experience would always be preserved.

The Judges of the Supreme Court, too, are all elected at the same time and for the same term of years, and always succeed as the nominees of a political party. The tendency of this is to make the judges partisans, and the fact that every sixth year the bench may

be politically revolutionized, creates a temptation on the part of the successful candidates to attempt to secure favor with their party by undoing much of what their politically heterodox predecessors have done. That in point of fact, we have had so little of this to complain of, is greatly to the credit of the judges who have from time to time succeeded to the bench, but the system itself is none the less vicious. If the judiciary ought to be elected by the people at all, a proposition, by the way, which I do not think experience has sanctioned, a portion only of the judges of the Supreme Court should retire and their successors be elected at the same time, so that the probabilities of the existence of a partisan bench would be diminished, and so that the Court would never be without judges of experience and familiar with the duties of the particular position.

If this General Assembly should see proper to provide for calling a Constitutional Convention, I do not think it should, on that account, omit to adopt and submit to the people for ratification, the pending amendment in relation to the canal debt. Let that amendment by all means be adopted, and it can be submitted, without additional expense to the people, for ratification at the same election at which the delegates to the Convention shall be chosen, and if it is ratified, as assuredly it will, the popular vote ratifying it will be an imperative instruction to the Convention to put a similar provision in the revised Constitution. Besides this, the pending amendment, if thus adopted and ratified, would bind the Legislature until the new Constitution shall have been approved by the people, and also provide against the possible contingency of the Convention framing such a Constitution as the people might reject.

ADDITIONAL PROVISIONS FOR THE INSANE.

The Indiana Hospital for the Insane has a capacity for about 490 patients, although by crowding it 520 patients have been in the institution at the same time. Experience proves that it ought not to be thus crowded. By making the additions and improvements suggested by the Superintendent in his report, the capacity of the institution can be so enlarged as to accomodate 600 patients, that being an addition to the present capacity of the buildings of rooms sufficient for 110 patients. The estimated costs of these additions and improvements is \$50,000, a much less sum than would provide for the same number of patients in the erection of a new institution. For this reason, and because of the pressing necessity for increased

accommodations for the insane, I urgently recommend that an appropriation of the sum named above be made at the present session, and with as little delay as practicable, so that the capacity of the Hospital may be increased at the earliest possible day. By doing this, however, the State will not have performed her duty to the insane within her borders. When the capacity of the present Hospital shall have been increased so as to accommodate 600 patients, there will undoubtedly be 1,000 insane persons within the State who ought to have the care and treatment afforded by such an institution, still unprovided for. To properly provide for these, the State needs two other Hospitals, each having a capacity for the accommodation of at least 500 patients. The State should be divided into three Hospital districts, viz.: a central, a northern and a southern. One new Hospital should be established as near the center of the northern and another as near the center of the southern district as may be found practicable. The State of Ohio already has five such institutions. To erect, furnish and equip two additional Hospitals for the Insane, each having a capacity for 500 patients, will cost about \$1,000,000; but our people can better afford to furnish this amount within the next three years than they can allow the State to fall behind her sister States in providing for this unfortunate class of her citizens. The idea that those who are supposed to be incurably insane should be provided for in separate institutions has been exploded by experience, and I trust will find no favor in the action which you may take on the subject. At least one new Hospital should be erected as soon as possible, and provision for all the insane who need care and treatment should be secured at no distant day.

TIPPECANOE BATTLE GROUND.

The Constitution of Indiana declares, that it shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground. Allow me to call your attention to the fact that this duty has never been performed by your predecessors. The Battle Ground never was permanently inclosed by the State, and the temporary fence by which it was once surrounded has long since disappeared. It is the property of the State, and full of historic interest,, and as the people have enjoined in their Constitution that it shall be permanently inclosed and preserved, I can imagine no valid excuse for a failure to obey this injunction.

TREATY OF WASHINGTON.

By the Twenty-seventh Article of the Treaty of Washington, concluded between the United States and Great Britain May 8, 1871, the Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence and other canals in the Dominion, on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States; and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

I herewith respectfully submit for your consideration a copy of an official communication from the President of the United States to myself, calling attention to the provisions of the above mentioned articles of said Treaty, and urging upon the State Government of this State to secure to the subjects of Her Britannic Majesty the use of the State canals within the State of Indiana connected with the navigation of the lakes and rivers traversed by or contiguous to the boundary line between the possessions of the United States and those of Her Britannic Majesty in North America, on terms of equality with the inhabitants of the United States.

I commend the subject to your careful attention, in the hope that it may be found practicable to adopt such legislation as will accomplish the object suggested by the President in said communication.

HOUSE OF REFUGE.

The House of Refuge, near Plainfield, has been very successful in performing the good work for which it was established, although it has had to encounter many obstacles. For some three years it has had two hundred or more inmates, but the appropriations for its current expenses was made upon the basis, and intended for the support of but a few more than half that number. At the commencement of the last session of the Legislature a debt of \$10,000 for borrowed money, was accrued, owing to the deficiency in the

appropriations, and this debt has since been added to until it now amounts to \$18,881. Besides this loan, the institution is indebted to supplies to the amount of about \$3,500, making a total indebtedness of \$22,881. It will require about \$4,000 to meet the expenses of the institution up to the first day of April next, the end of its fiscal year. I therefore ask that an appropriation of \$26,881 be made to this institution with the least practicable delay, to enable it to discharge the present indebtedness and defray current expenses to the end of the fiscal year. I herewith respectfully submit a special report of the Board of Control of the House of Refuge, in which the foregoing matters are more fully explained. Provision should also be made to enlarge the institution so as to double its present capacity. The eleventh section of the act creating the institution ought to be repealed. That section authorizes the sentencing of boys to the House of Refuge for any determined period, not extending beyond the time when they shall attain the age of twenty-one years. No one can judge in advance how long it will require to reform any particular juvenile delinquent, and hence the impropriety of a sentence for a definite period. If a boy is thus sentenced he must be discharged at the end of the term for which he was sentenced, although his reformation may have but fairly commenced. Every boy who is thus discharged before his reformation is completed is almost sure to relapse into his former vicious courses, and therefore is not benefited himself, but reflects discredit upon the institution and tends to impair the public confidence in its efficiency. Besides this, any juvenile offender may under other sections of the act be committed to the guardianship of the institution until he attains the age of twenty-one years, unless sooner discharged as reformed, without having a record of conviction of crime made against him, and there is therefore no necessity for the section above mentioned. The law governing the admission of boys to the institution should also be so changed as not to allow those under the age of nine or over the age of sixteen years to be committed to its guardianship. The institution is not a prison, and is not therefore a proper place for the punishment of young men convicted of crimes; nor should it be converted into a nursery for quite small children. If even the maximum age shall be reduced from eighteen to sixteen years, as I have suggested, still it may be expected that, by fraudulent representations as to the age of delinquents, boys will be sent to the institution who have passed the proper age; but as it now is, some young men over the age of twenty-one years are, through false

representations as to their ages, committed to the House of Refuge to save them from being sent to the Penitentiary. This is highly injurious to the institution and detrimental to the best interests of its younger inmates. We ought to have a prison intermediate between the House of Refuge and the Penitentiary, but the House of Refuge can not perform the functions of such a prison.

If the House of Refuge should be enlarged so as to double its capacity it would still be unable to receive all the boys who require the reforming influence of such an establishment. A few of the larger cities of the State would furnish boys enough to fill such an institution. In view of this, the larger cities of the State should not only be empowered, but encouraged to establish similar institutions. The Board of Commissioners of the counties in which such cities are located might, with propriety, be authorized to join with the city authorities in their establishment, and the State could, in my judgment, well afford to contribute a part of the funds necessary to defray the current expenses of such institutions after they shall have been established by the local authorities.

SOLDIERS' HOME.

Since the termination of last session of the General Assembly, the old wooden buildings belonging to the Soldier's Home near Knightstown, were destroyed by fire. They were at the time of the fire occupied as quarters for disabled soldiers then connected with the institution, the new brick building being then and still occupied by the soldiers' orphans who have been admitted to the Home. In consequence of the fire all the soldiers who were willing to go to the National Soldiers' Home, near Dayton, Ohio, were sent to that institution, and those who were unwilling to go there, were, in accordance with their own preferences, discharged. Since then the Home has been exclusively for the care of the orphan children of soldiers. It is inexpedient and unnecessary to rebuild the soldiers' department of the Home, and the act creating the institution should therefore be so far modified as to sanction the change in the character of the institution caused by the destruction of the soldiers' quarters. It would be good policy as well as sound economy in my opinion to provide for increasing the quantity of land connected with the institution and for increasing the work shops which may be necessary to utilize the labor of the children and impart to them at the same time industrious habits.

Up to this time the number of soldiers' orphans applying for and entitled to admission, has equalled or exceeded the capacity of the institution, but the probabilities are that the time will soon come when the number of soldiers' orphans entitled to admission will be so reduced as to permit the admission of other indigent children. In anticipation of this, I think provision should be made by law for the admission of children from the county asylums of the several counties wherever such can be admitted without excluding any of the class of orphan children now entitled to its benefits. When the property shall no longer be required as a home for soldiers' orphans, it will be well adapted to and much needed for, an Industrial Reform School, somewhat different in character from the House of Refuge. Such a school, in which the waifs of society should be collected and cared for before they become delinquents, would be a blessing to the State and cut off one of the sources through which the criminal classes of our people are increased.

THE STATE NORMAL SCHOOL.

The State Normal School has been embarrassed for the want of the means necessary to carry on its operations. A loan of \$4,000 became an imperative necessity, and was made. I believe there is some other floating debt which ought to be liquidated without delay. I trust the necessary appropriation will be promptly made.

THE INSTITUTION FOR THE EDUCATION OF THE BLIND.

For four years or more, there has been a pressing necessity for the enlargement of the Institution for the Education of the Blind, the increase of this class of our population being such that the present building has become too small to accommodate all who are entitled to the benefits of the institution. The estimates made prior to the meeting of the last Legislature, stated \$65,000 as the amount necessary to make this enlargement. I believe these estimates were correct, and earnestly recommend that such an appropriation be made without delay.

THE INDIANA REFORMATORY INSTITUTE FOR WOMEN AND GIRLS.

The building for this much needed institution has remained in an unfinished condition for the last two years, no appropriation having been made to complete it. It is highly important that the building

should be speedily completed and furnished, to the end that the female prisoners now in the State Prison at Jeffersonville should be removed thereto, pursuant to the requirements of the act for the establishment of the institution. It is also highly important, that the reformatory department of the institution should be open for the reception of girls at the earliest practicable period.

There is an existing indebtedness of about \$20,000, contracted in the erection of the building, and I trust that an appropriation will be made to pay this, and also to complete and furnish the building, fence the grounds, and put the institution in operation.

STATE PRISON SOUTH.

I herewith respectfully submit the annual report of the Directors and Warden of the State Prison South. I hope that the indebtedness of the prison mentioned in this report, which was necessarily and unavoidably incurred, may be speedily provided for. The contracts for the labor of the convicts have four years to run from the 1st day of January next, and in my opinion there should be no extension of these contracts, but steps should be taken looking to the abandonment of this prison by the time the present contracts expire. The prison buildings are old, dilapidated, and not well adapted to the purposes for which they are used. The cells are too small, and to continue the prison will necessitate expenditures for repairs to such an extent as to render it better economy to provide a new prison of a milder grade than the one now under consideration. In my opinion, one prison of this grade is sufficient for the State, and the one at Michigan City, being a new and a good one, should be retained and the one at Jeffersonville abandoned. There should be graded prisons and a classification of prisoners. To effect this there should be substituted for the Prison South, a prison of milder type, intermediate between the House of Refuge and the State Prison at Michigan City. To this milder prison, young men too old for the House of Refuge, and older persons who have been overtaken by a first offense under mitigating circumstances, should be sent, so that such offenders may not be associated or put on an equality with professional criminals. If such a prison should be established, provision should be made for the transfer of incorrigible prisoners, who may evince a determination not to reform, to the State Prison at Michigan City, and power should also be lodged somewhere, to transfer prisoners who give satisfactory evidence of reformation, from the penitentiary to the intermediate

prison. Such last mentioned transfers might be probationary in their character, and revocable if the prisoner ceased to deserve the favor shown him. Prisoners even of the worst classes are still human beings, governed by the same motives which influence others, and with the proper care and proper appliances, I am satisfied that a majority of them, instead of being made worse by their imprisonment, can be restored to their lost manhood.

The Constitution declares that "the penal code shall be founded on principles of reformation, and not of vindictive justice." In the spirit of this humane provision, I plead for graded prisons and for a classification of prisoners. Prisons are the only schools in which the criminal classes can be reformed and taught, and there is just the same necessity for gradation and classification as there is in other schools. There ought to be also a supervisory board, having control of all prison officers, with power of suspension or removal for cause during the vacations of the General Assembly. Under the existing arrangement the grossest abuses may exist when the General Assembly is not in session, but there is no power to interfere.

I believe that between now and the expiration of the contracts for the labor of the convicts in the Southern Prison the change in our prison system, which I have so briefly and imperfectly sketched, may be accomplished in accordance with the soundest economy, and in consonance with the latest and best achievements in this particular field of social science.

SOLDIERS' MONUMENT.

I herewith respectfully submit the memorial of the Board of Managers of the Indiana Monumental Association, soliciting State aid to the erection of a monument to the memory of Indiana soldiers who periled their lives in the service of their country. The memorial embodies resolutions in favor of the same object of a large meeting of citizens held at Indianapolis in May last, upon the occasion of the decoration of the soldiers' graves at Crown Hill near that city. I cordially commend the memorial, with the subject to which it relates, to your favorable consideration.

I trust that the session upon which you have just entered will be characterized by perfect harmony and will be fruitful of good legislation, and assure you of my desire to co-operate with you in furthering such results.

CONRAD BAKER.

The Governor submitted the following special reports in connection with his message :

Special report of the Commisioners of the House of Refuge, referred to in and submitted with the Governor's message :

TO THE GOVERNOR OF THE STATE OF INDIANA :

In anticipation of our annual report to be made up to the close of the present year, the Commissioners of the House of Refuge for juvenile offenders beg leave to present to you and the General Assembly the following facts and suggestions :

The General Assembly of 1869 appropriated \$30,000 per annum for the current expenses of this institution, including the salaries of its officers. It also enacted that whenever there shall be a failure at any regular biennial session of the General Assembly to pass an appropriation bill for this object, it shall be lawful for the Governor, Secretary and Treasurer of State to direct the Auditor of State to draw warrants on the State Treasury for an amount not exceeding the last appropriation.

At the time these laws were passed there were one hundred and eighteen inmates in the institution. An appropriation having been made at the same time for an increase in the building of the institution, a main building and one family house had been completed, and were ready for occupancy before the 1st of January, 1871. The great pressure of boys who were legally committed to the institution, many of whom were in prison, led the Commissioners to authorize their reception into the institution as soon as the houses were done, with the expectation that the General Assembly of 1871 would make the necessary appropriation for their support. No appropriations were however, made by that General Assembly, and we were left without any means whatever for the support of the institution from January 1st to April 1st, 1871, the appropriation for the year having all been exhausted before January 1st, 1871. We were thus left with a family of two hundred and twenty to support upon the sum appropriated when it reached only one hundred and eighteen.

It did not seem to us expedient to discharge upon the community unreformed boys, and as other boys were being constantly committed, we have thought best, since, to receive some of them, especially from counties not represented in the institution, as places were made vacant by the discharge of boys on the ground of reformation. The

institution has thus been kept full to its utmost capacity up to the present time, and there are now 200 boys in it. To meet the extra expense over the amount of appropriation, we have been compelled to resort to the use of credit in our purchases, and especially to a loan. This loan now amounts to \$18,881.62, and the other indebtedness of the institution will reach \$3,500. For these we would respectfully but earnestly ask that an appropriation may be made, as well as of a sum sufficient to pay the current expenses of the institution up to the first of April next, the termination of our fiscal year, which expenses we estimate at \$4,000. We would also respectfully suggest some modification of the present laws, especially one applying to the amount received from the counties directly to the support of the institution, instead of placing it in the State Treasury as heretofore.

Experience has also taught us that boys of 18 years are too old for such an institution as ours, more especially since, not unfrequently by misrepresenting their age, boys beyond that procure admission in preference to being sent to the State Prison. The discipline to be applied to such as these should be more severe than is requisite for younger boys: hence, we suggest that the limit be reduced to 16 years of age.

The institution has been eminently successful in accomplishing the object of its erection and a very large portion of the boys, one hundred and fifty in number, who have been discharged, are doing well. We are not surprised that there should be some exceptions and that a few of our boys should be found in the State Prison, as it would be impracticable permanently to reform every boy sent here. Whilst we endeavor to see that all the boys discharged are provided with suitable homes, it sometimes leaves them without restraint, and being surrounded by evil influences they find their old associates and return to the haunts of wickedness.

But notwithstanding some such cases have occurred, for the larger portion are returned to the community to make useful citizens and fill their post in the duties of life. We have been compelled to decline, for want of room, more than one hundred and fifty boys who have been regularly committed to our care. Some of these are sent to the State Prison, others to the county jails, and others still are turned loose on the community to enter again upon a life of crime, or become a charge upon the public.

We are fully satisfied as a matter of public economy as well as for the public good, an appropriation should be made for an increase of buildings, to an amount not less than \$65,000.

All of which is respectfully submitted.

CHARLES F. COFFIN,

A. S. EVANS,

JOHN W. RAY,

Commissioners.

HOUSE OF REFUGE, Nov. 11, 1872.

Copy of letter, from the President of the United States, referred to in message:

EXECUTIVE MANSION,

WASHINGTON, November 25, 1871.

TO HIS EXCELLENCY, CONRAD BAKER,

Governor of Indiana:

SIR: I transmit herewith a copy of a treaty concluded in this city, on the 8th day of May last, between the United States and Great Britain.

By the twenty-seventh article, the Government of the Dominion of Canada, to secure to the citizens of the United States the use of the Welland, St. Lawrence and other canals in the Dominion on terms of equality with the inhabitants of the Dominion and the Government of the United States, engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by, or contiguous to, the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

The wisdom and the importance these reciprocal concessions of the use of the artificial channels of water communication contemplated by the treaty on terms of equality to the citizens or subjects of either power are apparent. The rapid increase of population, and production of the vast territory on either side of the boundary line and on the upper lakes, demands all the channels of communication with

the tide waters, which either nature or the enterprise of man has made available. It is confidently believed, that the use of the artificial water communications which the treaty contemplates, will contribute to a rapid increase of trade through those several channels, and will tend to a consequent increase in the tolls and returns of profits, both direct and indirect to each and all of the canals thus opened to the use of a larger extent of country. As the period is approaching when the Legislature of your State is about to convene, I desire to bring the provisions of this article of the treaty to its notice, and to urge upon your State Government to secure to the subjects of Her Britannic Majesty, the use of the several State canals within the State of Indiana, connected with the navigation of the lakes or rivers traversed by, or contiguous to, the boundary line between the possessions of the United States and those of Her Britannic Majesty in North America, on terms of equality with the inhabitants of the United States.

I address a similar request to other States, through which are constructed canals connected with the navigation of the lakes.

I have the honor to be, etc.,

U. S. GRANT.

Copy of letter from the Secretary of the Interior, referred to in the Governor's Message:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C., March 25, 1872.

HON. C. BAKER,

Governor of the State of Indiana:

SIR: I have the honor to direct your attention to the following statement, showing the amount of interest due the Indiana trust fund, on Indiana five per cent. stocks. After deducting a balance of \$1,346.80 due the State of Indiana, on account of an over-payment of interest, made in a settlement of accounts with an agent of this department in 1868, namely: To interest due on \$69,000, Indiana five per cent stocks, from July 1, 1868, to January 1, 1872, \$120.75; to interest due on \$1,000 five per cent bonds, from January 1, 1856, to January 1, 1872, \$800; amount, \$12,875; by amount due the

State of Indiana on account of over-payment of interest in 1868, \$1,346.80; balance of interest due January 1, 1872, \$11,528.20.

This statement is taken from a report on the subject, furnished me recently by the Commissioner of Indiana affairs. I have furnished Hon. M. C. Kerr with a copy of this report, which he informed me would be forwarded to the proper officer in your State. I desire respectfully to call your attention to the subject, and shall be obliged if you will inform me of the intentions and desires of your State in regard to it.

I am, Sir, very respectfully,

Your obedient servant,

C. DELANO,

Secretary.

INDIANA STATE PRISON, SOUTH,

JEFFERSONVILLE, October 18, 1872.

To the Board of Directors:

In view of the fact that the Governor has called an extra session of the Legislature, to which he will desire to submit a statement of the condition of this institution, I hand you this statement of its financial affairs. The total receipts of the Prison for the current year ending December 15th next, will be about \$60,000. The current expenses for running the institution about \$55,000, showing a surplus of \$5,000 to be applied on former indebtedness, and giving evidence that at the price of the present contracts the Prison will more than meet its ordinary expenses. By referring to former reports it will be seen that our indebtedness at the close of last year was then \$12,020.55, but this was based on an estimate of assets which have not been realized.

There remain claims of \$1,716.60 against Hopkins and Stanton and A. W. Hall & Co., which have not been collected and are not likely to be. Adding this to the debt of last year and subtracting the surplus of this, we have a debt for the close of this year of \$8,737.15.

In addition to this there is an indebtedness of \$1,000 on account of the alterations and repairs, including the fence, to adapt the premises to the use of the car company under present contracts, and

the \$12,000 furnished by the Governor to repair the damages of the fire, an entire obligation of over \$30,000 to be provided for.

I am compelled in every report to call attention to the general state of dilapidation of the premises, constituting a continual bill of expenses. In consequence of having no appropriation for repairs for the last two years, this has borne heavily on our friends, so that only temporary expenditures could be resorted to.

The condition of the roofs of the cell-houses and shops is such as to absolutely require re-covering, and this cannot be done without considerable expense. There are by actual measurement $762\frac{1}{2}$ squares, which cannot be tinned at present prices for less than \$10,000.

The annual appropriations for several years past have been largely absorbed in patching up these roofs, and it will be sound economy to replace them with new material at once. It is hoped in a few months the females will be removed to the new reformatory, and then it will be advisable to make some alterations. The present female wards could be converted into wards for insane prisoners, of which we have several, who ought to be separated from the body of convicts, both for safety and moral effect. To do this, and to fit up about twenty new cells on the north side of this wing, will cost about \$3,000.

One of the heaviest bills we are called on to meet is that for fuel and lights. Our gas is supplied by the city gas works, and our heating is mainly by stoves. The annual cost of these two items is about \$3,600. I am satisfied from careful estimates that the apparatus to make our own gas and to heat by steam could be put in for about \$4,000, and that we should thereby save fully one-half of our annual bill for fuel and light.

The houses furnished by the State for the use of the Warden and Deputy Warden are old and in great need of repairs. I would respectfully ask for \$1,500 as actually required for this purpose.

According to law, it is the duty of the Legislature to make the necessary appropriations for the current expenses of the prison. To enable it to do this intelligently the following estimates are furnished for the next two years: Average number of convicts, 400; of this number the daily average on contract will be about 330, the remainder being in hospital, laboring for the State, etc. Three hundred and ten days per year at sixty cents.

Receipts: Convict labor, \$61,380.

Expenditures: Salaries of guards, etc., \$20,000; provisions, \$22,000; clothing, \$7,000; fuel and lights, \$3,600; gate money to

discharged convicts, \$2,550, library, \$500; escaped convicts, \$500; printing and stationery, \$200; hospital, \$1,200; miscellaneous expenses, \$1,000. Total, \$58,650.

This estimate leaves a surplus of \$4,230, for each of the next two years which will pay off all debts growing out of deficiencies in merely running expenses during the last four years.

To recapitulate, there will be needed \$30,737, to meet all past deficiencies, including the fires; \$18,000 for necessary repairs and improvements; and \$58,650 for annual expenses; and there is reasonable certainty of an annual income of \$62,880.

Very respectfully submitted,

L. S. SHULER,

Warden.

INDIANA STATE PRISON, SOUTH,
JEFFERSONVILLE, IND., October 18, 1872.

To the Governor of Indiana:

DEAR SIR: We herewith transmit to you a special report from the Warden of the financial condition of this prison, and through you we would respectfully ask from the Legislature an immediate appropriation for the payment of the various sums of indebtedness therein stated, the necessities which have led to the creation of these liabilities have been set forth in former reports, and the interest required to carry this indebtedness bears heavily on an income. The repairs and alterations suggested seem to us imperatively required by a due regard to the public interests.

Indeed, the state of the Prison is such that it would be good economy in the Legislature to authorize a general renovation. If this is much longer neglected, either a much larger sum will be required to put it in order, or steps must be taken for the erection of a new establishment. It is believed that the sum asked for by the Warden, with a similar sum for miscellaneous repairs each year, will answer until the end of the present contracts, when the State will have to take decided steps toward renovation. It will be seen that the Warden gives an estimate of the probable receipts and expenditures during the next two years.

This estimate is believed to be reliable. Heretofore for many years no appropriations have been made for current expenses, but the

income of the Prison has been applied at the discretion of the managers. We believe the law requires an appropriation and that there is no authority to draw money for any purpose without one. We would respectfully call attention to the fact that the salaries paid the Warden, Deputy Warden, Clerk and Chaplain, were fixed many years ago when the cost of living was much less than now, and that they should be increased.

If the Legislature at its special session shall propose any general revision of the Prison laws we will be pleased to give any information suggested by our experience if called on to do so. All of which is respectfully submitted.

R. S. HEISKELL,

W. W. CURRY,

Directors.

To His Excellency, Conrad Baker,

Governor of the State of Indiana :

The undersigned respectfully represent to your Excellency that at a large meeting of the citizens of this State assembled at Crown Hill upon the 30th day of May last, to decorate the graves of the soldiers, the following resolutions were unanimously adopted, viz :

Resolutions unanimously adopted by a large meeting of citizens upon the occasion of decorating the soldiers' graves at Indianapolis, May 30, 1872.

Resolved, By this vast concourse of citizens, assembled to decorate the graves of the Union soldiers at the State Capital, that we feel that the great and prosperous State of Indiana owes it to the memory of her brave sons who periled their lives in the service of their country, to erect a State monument that shall stand as a perpetual memorial of their patriotic deeds. To that end we respectfully ask the Governor to recommend to the Legislature, and the Legislature to provide for the erection at the Capital of the State, in the Park known as the Governor's Circle, a grand monument, "To the memory of Indiana soldiers who periled their lives in the service of their county."

Resolved, That the following gentlemen be requested to act as a committee to further the object contemplated by these resolutions, viz.:

Gen. Nathan Kimball, Gen. A. P. Hovey, Gen. Thos. A. Morris, Gen. J. C. Veach, Hon. W. H. English, Gen. Ben. Spooner, Gen. W. Morrow, W. H. Morrison, Esq., Gen. B. F. Scribner, Gen. Ira Grover, Gen. Charles Cruft, Gen. M. D. Manson, Gen. R. H. Milroy, J. H. McKernan, Esq., Gen. Wm. Grose, Gen. Sol. Merideth, Gen. Noel Gleason, Gen. Reub. Williams, Gen. G. H. Chapman, Gen. Silas Colgrove, Gen. Thos. N. Browne, Hon. T. A. Hendricks, Gen. Thos. Brady, Gen. Dan. Macauley, Gen. Joseph Dodge, Gen. G. F. McGinnis, Gen. O. S. Gooding, L. W. Hasselman, Esq., Gen. J. R. Slack, Alfred Harrison, Esq., Gen. R. S. Foster, J. M. Tilford, Esq., Gen. Lew. Wallace, S. A. Fletcher, Esq., Gen. Reuben Kise, Robt. Connolly, Esq., Gen. Fred Knefler, R. J. Bright, Esq., Gen. Milo S. Hascal, Bishop Talbott, Gen. J. P. C. Shanks, David Macy, Esq., Gen. Benj. Harrison, Gen. J. P. Baird, Gen. W. Q. Gresham, E. S. Alvord, Esq., Gen. Laz. Noble, Hon. John C. New, John Fishback, Esq., Gen. A. Stone, Gen. Jasper Packard, Gen. John Coburn, Gen. M. C. Hunter, J. H. Vajen, Esq., Hon. J. W. Gorden, Dr. W. C. Thompson, J. C. Yohn, Esq., Hon. E. B. Martindale.

On the 1st of the present month, at a meeting of the aforesaid committee at the Board of Trade Rooms in the city of Indianapolis, an association was formed to be called the "Indiana Monumental Association," and officers were duly chosen.

At the same meeting a resolution was unanimously adopted, as follows:

Resolved, That the President and resident managers be instructed to present, at an early day, to His Excellency the Governor of this State, a copy of the resolutions adopted on the 30th of May last, upon the occasion of the decoration of the soldiers' graves at Crown Hill, and to respectfully request him to recommend to the Legislature the erection of the State monument referred to in that resolution.

In pursuance of the foregoing resolution we respectfully request your Excellency to recommend to the General Assembly at the next session, that an appropriation equal to the aggregate of ten cents for

each inhabitant of the State, be made towards defraying the expenses of erecting upon the ground known as the Governor's Circle, such a monument as shall commemorate the patriotism of our soldiers and sailors in a manner creditable to the liberality of the State.

T. A. MORRIS, President.

FRED. KNEFLER, Secretary.

NATHAN KIMBALL,
 BENJ. C. SHAW,
 BENJ. HARRISON,
 WILLIAM H. ENGLISH,
 GEO. H. CHAPMAN,
 Board of Managers.

The Speaker announced the following committee upon House Joint Resolution No. 1 :

- First Congressional District, Mr. Whitworth.
- Second Congressional District, Mr. Willard.
- Third Congressional District, Mr. Miller.
- Fourth Congressional District, Mr. Walker.
- Fifth Congressional District, Mr. Shirley.
- Sixth Congressional District, Mr. Coffman.
- Seventh Congressional District, Mr. Richardson.
- Eight Congressional District, Mr. Hardesty.
- Ninth Congressional District, Mr. Mellett.
- Tenth Congressional District, Mr. Thayer.
- Eleventh Congressional District, Mr. Butterworth.

Mr. Woodard, of Parke, offered the following resolution :

Resolved, That the message of the Governor be referred to the committee of the whole House, and be made the special order of the day, on Monday next at 3 o'clock P. M.

Which was agreed to.

Mr. Shirley offered the following resolution :

Resolved, That William M. Merwin, C. S. McDonald and D. H. Long be allowed pay for two days services at five dollars per day for assisting in the organization of the House, be paid out of any moneys that may be appropriated for legislative purposes.

Which was referred to the committee on employes.

Mr. Wolflin offered the following resolution :

Resolved, That each member of the House of Representatives be furnished with two (2) copies of the Daily Indianapolis Journal, one (1) copy of the State Sentinel, and one (1) copy of the Telegraph, (German,) and one (1) copy of the Weekly Volksblatt.

Mr. Shirley offered the following amendment :

That the resolution be amended to include two copies for each member of the Evening News.

Mr. Lee offered the following amendment :

That the resolution be amended to include the Evening Journal.

Which resolution and amendments were referred to the Special Committee appointed yesterday.

Mr. Lenfesty offered the following resolution :

Resolved, That the daily meetings of the House until further ordered be at 9½ o'clock A. M., instead of at 9 o'clock, A. M.

Which resolution was not adopted.

Mr. Kimball introduced

House Bill No. 6. An act creating the Indiana Centennial Association.

WHEREAS, The Congress of the United States by an act dated March 3, 1871, and by a supplemental act, dated June 1st, 1872, has provided for celebrating the One Hundredth Anniversary of American Independence by an International Exhibition of arts and manufacturers and products of the soil and mines, in the city of Philadelphia, in the State of Pennsylvania, in the year 1876, and,

WHEREAS, It is the privilege and duty of the State of Indiana to be fully represented in this International Exhibition; therefore,

Be it enacted by the General Assembly of the State of Indiana,
Which was read a first time.

Mr. Given introduced

House Bill No. 7. An act providing that Justices of the Peace shall have exclusive jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act.

Which was read a first time.

Mr. Kimball offered

Joint Resolution No. 2. A joint resolution agreeing to and adopting an amendment proposed to the Constitution, by the last General Assembly, by adding to the tenth article, a section in relation to the debt charged upon the Wabash and Erie canal.

WHEREAS, The last General Assembly at the regular session thereof, passed, adopted and agreed to the following joint resolution, to wit:

“A joint resolution proposing an amendment to the Constitution, by adding to the tenth article, a section in relation to the debt charged upon the Wabash and Erie canal.”

Be it resolved by the General Assembly of the State of Indiana, That the following amendment be, and is hereby proposed to the Constitution of this State, and that the same be, and is hereby agreed to and submitted to the electors of the State, for their ratification or rejection: *Provided*, the same shall be agreed to by a majority of all the members elected to each House of the General Assembly of this State, to be chosen at the next general election.

Said amendment to consist of the addition of the following section to the tenth article of the Constitution, in the language following:

“No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of this State to pay or redeem any certificate of stock, issued in pursuance of an act entitled ‘An act to provide for the funded debt of the State

of Indiana, and for the completion of the Wabash and Erie canal to Evansville,' passed, January 19, 1847, and an act supplemental to said act, passed, January 29, 1849, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned, and no such certificate or stocks shall ever be paid by this State."

"*Resolved, further,* That the foregoing joint resolution be, and the same is hereby referred to the General Assembly of this State, to be chosen at the general election to be held on the second Tuesday in October, in the year of our Lord, one thousand eight hundred and seventy-two." Now,

Be it resolved by the General Assembly of the State of Indiana, That the said amendment proposed to the Constitution of Indiana, contained in said joint resolution passed by the last General Assembly, as aforesaid, and herein before recited, be, and the same hereby is agreed to and adopted by this General Assembly, and that the said amendments shall be submitted to the Electors of the State, for ratification, at an election to be called for that purpose, in pursuance of such an act of the General Assembly as may hereafter be passed providing for such submission; and if no time is designated by this General Assembly, there shall be submitted to the people at the next general election, to be held on the second Tuesday in October, eighteen hundred and seventy-four.

Mr. Branham moved that the resolution be considered as engrossed, and put upon its passage.

Which was agreed to, and the Speaker directed the same to be entered on the Journals.

The ayes and noes being taken under the constitutional rule.

The question being on the passage of the resolution.

Those who voted in the affirmative were, Messrs.

Anderson,	Baxter,	Branham,
Baker,	Billingsley,	Brett,
Barker,	Bowser,	Buskirk,
Barrett,	Blocher,	Butts,

Butterworth,	Hedrick,	Rumsey,
Broadus,	Hollinsworth,	Satterwhite,
Cauthorn,	Hoyer,	Schmuck,
Clark,	Isenhaur,	Scott,
Claypool,	Johnson,	Shirley,
Cline,	Jones,	Smith,
Coffman,	Kimball,	Spellman,
Cobb,	King,	Stanley,
Cole,	Kirkpatrick,	Shutt,
Cowgill,	Lenfesty,	Strange,
Crumpacker,	Lee,	Teeter,
Dial,	Lent,	Tingley,
Durham,	Martin,	Thompson, of Spencer,
Eaton,	Mellett,	Thompson, of Elkhart,
Edwards, of Lawrence,	Miller,	Thayer,
Ellsworth,	McKinney,	Troutman,
Eward,	McConnell,	Tulley,
Furnas,	North,	Walker,
Gifford,	Odle,	Wilson, of Ripley.
Given,	Offutt,	Wilson, of Jay,
Glasgow,	Ogden,	Willard,
Glazebrook,	Peed,	Wesner,
Goble,	Prentiss,	Wolfen,
Goudie,	Pfrimmer,	Woolen,
Gregory,	Rudder,	Wood,
Gronendyke,	Reno,	Woodard,
Hardesty,	Reeves,	Whitworth,
Hatch,	Riggs,	Wynn,
Heller,	Richardson,	Mr. Speaker—97.
Henderson,		

No one voting in the negative.

Whereupon, the Speaker declared the Joint Resolution adopted.

Mr. Furnas introduced

House Bill No. 8. An act to prevent hunting and shooting on inclosed lands without the consent of the owners or occupants thereof.

Which was read a first time.

Mr. Cauthorn moved that the committee consisting of one from each Congressional District to consider House Joint Resolution No. 1, be discharged.

Which was agreed to.

Mr. Hardesty offered the following resolution :

WHEREAS, This House has heard with deep regret the death of Hon. John W. Burson, a member of the Senate from the counties of Delaware and Madison; that in his death the State has lost an able and incorruptible patriot; therefore,

Resolved, That the House, as a mark of respect to the memory of of the deceased, do now adjourn.

Resolved, That a copy of this resolution be transmitted to the family of the deceased by the Clerk of the House.

Which was agreed to.

Whereupon the Speaker declared the House adjourned.

FRIDAY MORNING.

NOVEMBER 15, 1872, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the Chair.

The Journal of yesterday was read in part, when

On motion of Mr. Woodard,

The further reading of the same was dispensed with.

The Speaker announced the following special committee on the allowance of stationery for the members of the House :

First Congressional District, Mr. Wolfen.

Second Congressional District, Mr. Baker.

Third Congressional District, Mr. Wilson, of Ripley.

Fourth Congressional District, Mr. Baxter.

Fifth Congressional District, Mr. Ogden.

Sixth Congressional District, Mr. Gronendyke.

Seventh Congressional District, Mr. Wesner.

Eighth Congressional District, Mr. Kirkpatrick.

Ninth Congressional District, Mr. Heller.

Tenth Congressional District, Mr. Tulley.

Eleventh Congressional District, Mr. Wood.

Mr. Cauthorn moved that when this House adjourn it be until Monday at 2 o'clock, P. M.

Which was adopted.

Mr. Offutt, from the committee on rules, made the following majority report:

MR. SPEAKER:

The select committee appointed to prepare and report rules for the government of the House, have had that subject under consideration, and have prepared the rules herewith returned for the government of the House, which they recommend be adopted.

The committee also have adopted, as joint rules for conducting business between the Senate and House, the rules adopted by the last General Assembly, except Rule No. 11. That the Senate be respectfully requested to concur therein.

All of which is respectfully submitted.

Mr. Cauthorn, from the same committee, presented the following minority report:

MR. SPEAKER:

As a member of the select committee appointed to prepare and report rules for the government of this House, I concur in the report of the majority, except as to the adoption of the 65th Rule, as reported, and as to that, I dissent, and recommend the same be not adopted.

Respectfully submitted,

HENRY S. CAUTHORN.

Which was not concurred in.

The question being, shall the majority report be concurred in?

The same was adopted.

Mr. Furnas offered the following resolution:

WHEREAS, It is a fact that some of the work done on the principal building last erected at the Reform School, commonly called the House of Refuge, situated at Plainfield, Indiana, has not been paid for, the directors and superintendents thereof maintaining that such work has not been done according to contract and specifications in reference to said building; and,

WHEREAS, Permanent work said to be absolutely necessary in the completion of said building, has been done by the building contractors in completion of said building, and which to this time has not been paid for; compensation therefor refused to be made for said work in consideration of the same being outside of the specification of the architectural design as well as the inefficiency of the work; therefore,

Resolved, That a committee of five be appointed by the Speaker of the House, to investigate the matter of difference as above stated, with sufficient powers to send for persons and papers, and that said committee be required to report the result of their investigations at an early day.

Mr. Branham moved to refer it to the committee on benevolent institutions.

Which motion prevailed.

Mr. Woodard offered the following resolution :

Resolved, That there be a committee of one from each congressional district, appointed to take into consideration the whole subject of fees and salaries. and report by bill, or otherwise, to this House at an early day.

Mr. Branham moved to refer the resolution to a select committee.

Which motion did not prevail.

On motion,

The resolution was referred to the Committee on Fees and Salaries.

Mr. Branham offered the following resolution :

Resolved, That the House recommend to the Clerk, Assistant Clerk, and Door-keeper, that when they can employ as pages and other employes, such boys belonging to the Soldier's Home and disabled soldiers, as in their judgment may be efficient to discharge such duties as may be assigned them.

Which was agreed to.

Mr. Shirley introduced

House Bill No. 9. An act to repeal an act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws coming in conflict with the same, passed March, 1859.

Which was read a first time.

Mr. Rumsey offered the following resolution :

Resolved, That this House take steps to procure a Chaplain therefor, and that the Speaker appoint three members, a committee to confer with the ministers of the Gospel in this city in reference to such arrangement.

Which was agreed to.

Mr. Hardesty offered the following resolution :

Resolved, That the Auditor of State be, and is hereby instructed to communicate to this body the sum paid each year for the past twelve years to A. E. & W. H. Drapier or others on account of paper, reporting, publishing or binding, what is commonly known as the "Brevier Reports."

Which was agreed to.

Mr. Shirley introduced

House Bill No. 10. An act providing for the issue and sale of bonds to raise money by the civil townships of this State for the purpose of paying any debt incurred in purchasing or erecting any school building, or in the purchase of any ground whereon to erect any school building, or for the purpose of hereafter purchasing any ground or building for school purposes, or for erecting any school building, and authorizing the levy and collection of a special school tax for the payment of principal and interest of such bonds.

Which was read a first time.

Mr. Troutman offered the following resolution :

Resolved, That the State Librarian be, and that he is hereby instructed to furnish each member of the House with a copy of Cushing's Manual of Parliamentary Law.

Which was agreed to.

Mr. Walker offered the following resolution :

Resolved, By the House of Representatives, the Senate concurring therein, that there be printed in pamphlet form, eight thousand copies of his Excellency, Governor Baker's Message. Fifteen hundred copies thereof shall be printed in the German language, and that one thousand copies of said Message be delivered to the Governor for his own use, and the remainder thereof be distributed pro rata among the members of the General Assembly, for circulation.

Which was agreed to.

Mr. Cauthorn offered the following resolution :

Resolved, That as the select committee to whom was referred, Joint Resolution No. 7, has been discharged, therefore, that said resolution be laid upon the table.

Which was agreed to.

On motion,

The House adjourned, until Monday at 2 o'clock P. M.

MONDAY AFTERNOON,

NOVEMBER 18, 1872, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when,

On motion of Mr. Furnas,

The further reading of the same was dispensed with.

The Speaker announced the following standing committees.

1. *On Elections.*

Messrs. Edwards of Lawrence, Isenhaur, Hollinsworth, Martin, Odle, Wilson of Blackford and Whitworth.

2. *On Ways and Means.*

Messrs. Kimball, Branham, Brett, Willard, Tingley, Peed, and Gronendyke.

3. *On the Judiciary.*

Messrs. Walker, Cauthorn, Wilson of Ripley, Woollen, Ogden, Buskirk and Johnson.

4. *On Organization of Courts of Justice.*

Messrs. Wilson of Ripley, Offutt, Cowgill, Shirley, Edwards of Lawrence, Claypool, and Glasgow.

5. *On Banks.*

Messrs. Satterwhite, Brett, Troutman, Crumpacker, Tulley, Riggs and Goble.

6. *On Education.*

Messrs. Mellett, Given, Billingsley, Glazebrook, Butts, Woollen, and Ogden.

7. *On Affairs of State Prisons.*

Messrs. Hardesty, Barrett, Woodard, Cole. Thayer, Coffman, and Furnas.

8. *On Swamp Lands.*

Messrs. Butterworth, Eaton, Wood, Hatch, McConnell, Gregory, and Wynn.

9. *On Military Affairs.*

Messrs. Kirkpatrick, Reno, Cole, Anderson, Goudie, Spellman, and Wesner.

10. *On Claims.*

Messrs. Riggs, Dial, Lee, Hoyer, Hedrick, Shutt and Lenfesty.

11. *On Trust Funds.*

Messrs. Miller, Baker, Gronendyke, Henderson, Lent, Durham and Hollinsworth.

12. *On Fees and Salaries.*

Messrs. Woodard, Woollen, Cowgill, Teeter, Broadus, Rudder and Cole.

13. *On Sinking Fund.*

Messrs. Branham, Ellsworth, Billingsley, Stanley, Eward, Strange and Cobb.

14. *On the Rights and Privileges of the Inhabitants of the State.*

Messrs. Hedrick, Shirley, Gifford, Pfrimmer, Clark, Blocher and Ramsey.

15. *On Railroads.*

Messrs. King, Branham, Bowser, Gronendyke, Isenhaur, Kimball and Jones.

16. *On Manufactures and Commerce.*

Messrs. Thayer, Given, North, Reno, Butterworth, Baker and King.

17. *On County and Township Business.*

Messrs. Thompson of Elkhart, Claypool, Reeves, Buskirk, Prentiss, Scott and Coffman.

18. *On Agriculture.*

Messrs. Furnas, Heller, Billingsley, McConnell, Thompson of Spencer, Eaton, Odle.

19. *On Benevolent and Scientific Institutions.*

Messrs. Branham, Brett, King, Lent, Cauthorn, Tingley, and Jones.

20. *On Temperance.*

Messrs. Butts, Brett, Baxter, Cauthorn, Furnas, Schmuck and Clark.

21. *On Mileage and Accounts.*

Messrs. Cowgill, Glazebrook, Cobb, Richardson, Mellett, Peed, and Butts.

22. *On Corporations.*

Messrs. Ogden, Richardson, Gifford, Thompson of Elkhart, Shirley, Thayer and Hoyer.

23. *On Canals.*

Messrs. Lent, Claypool, Cobb, Bowser, Broadus, Anderson, and Cole.

24. *On Public Expenditures.*

Messrs. Johnson, Henderson, Wolflin, Offutt, Wesner, Reno, and Eward.

25. *On Federal Relations.*

Messrs. Lenfesty, Pfrimmer, Wynn, Strange, Troutman, Shutt, and Butts.

26. *On Affairs of the City of Indianapolis.*

Messrs. Hatch, Goble, Wilson of Blackford, Gregory, Scott, Heller and Satterwhite.

27. *On Cities and Towns.*

Messrs. Gifford, Willard, Riggs, Teeter, Miller, Baker and Kirkpatrick.

28. *On Engrossed Bills*

Messrs. Broadus, Durham, North, Cline Glasgow, Crumpacker and Hoyer.

29. *On Roads.*

Messrs. Reeves, Isenaur, Thompson of Spencer, Martin, Prentiss, Strange and Rumsey.

30. *On Statistics and Emigration.*

Messrs. Wolflin, Blocher, Lenfesty, Schmuck, Wood, McKinney, and Thompson of Elkhart.

31. *On Insurance Companies.*

Messrs. Wilson of Ripley, Given, Willard, Lenfesty, Jones, Wesner and Barrett.

32. *On Printing.*

Messrs. Billingsley, Peed, Wilson of Ripley, Heller, Walker, Shutt, and Mellett.

33. *On Reformatory Institutions.*

Messrs. Baxter, Furnas, Rumsey, Clark, Martin, McConnell, and Dial.

34. *On Drains and Dykes.*

Messrs. Wood, Eaton, Prentiss, Tulley, Gregory, Troutman, and Scott.

JOINT STANDING COMMITTEES ON PART OF THE HOUSE.

1. *On Public Library.*

Messrs. Lee, Smith, and Hardesty.

2. *On Public Buildings.*

Messrs. Branham, Brett, and Kimball.

3. *On Canal Fund.*

Messrs. Goudie, Claypool, and Reeves.

4. *On Enrolled Bills.*

Messrs. Cobb, Stanley, Butterworth, Tulley, Scott, and Bowser.

Mr. Furnas moved that the House go into a committee of the whole and consider the Governor's message now, instead of at three o'clock, and that the hour of the special order be so changed.

Which motion prevailed.

Whereupon the Speaker called Mr. Branham to the chair and and proceeded to consider in the committee of the whole the Governor's message.

After some time spent therein the committee rose and reported their action thereon as follows:

H. J.—5

Mr. Branham, chairman of the whole House, made the following report :

MR. SPEAKER :

The committee of the whole House have, according to order, had under their consideration the message of the Governor, disposed of the recommendations submitted therein, upon rising instructed me to report the proceedings which are contained in the following resolutions and to ask the House to concur therein and adopt the same.

Resolved, That so much of the Governor's message as relates to the completion of unfinished business of one session by another, the Garnett suit against the Wabash and Erie Canal, the constitutional convention, and the addition of another Judge of the Supreme Court, be referred to the committee on the judiciary.

Resolved, That so much as relates to the act regulating fees and salaries, and to the salaries of Governor and Judges of the Supreme Court, be referred to the committee on fees and salaries.

Resolved, That so much as relates to additional provision for the Insane, and the institution for the education of the Blind, and to the Soldier's Home, be referred to the committee on benevolent and scientific institutions.

Resolved, That so much as relates to the House of Refuge and to the Indiana Reformatory Institute for Women and Girls, be referred to the committee on reformatory institutions.

Resolved, That so much as relates to the State's Prisons be referred to the committee on that subject.

Resolved, That so much as relates to the State Normal School be referred to the committee on education.

Resolved, That so much as relates to the Treaty of Washington be referred to the committee on federal relations.

Resolved, That so much as relates to the constitutional amendment in relation to the canal debt, the same having been provided for by the House by the passage of a joint resolution, no recommendation is necessary.

Resolved, That so much as relates to the late Norman Eddy be referred to select committee of five.

Resolved, That so much as relates to the Tippecanoe Battle Grounds be referred to a select committee of three.

Resolved, That as much as relates to the Soldiers' Monument be referred to a select committee of one from each Congressional District.

Which was concurred in.

Mr. Branham moved that the resolutions, as a whole, be adopted
Which motion prevailed.

Mr. Gregory offered the following resolution :

Resolved, That the Clerk of this House cause to be printed five hundred (500) copies of the rules adopted for the government of the same, and to include the Constitution of the State and the standing committees of the House, for the use of the members thereof.

Which was adopted.

On motion, by Mr. Walker,

The House adjourned until to-morrow at 9 o'clock A. M.

TUESDAY MORNING,

NOVEMBER 19, 1872, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the Chair.

The Journal of yesterday was read and approved.

Mr. Rumsey, from a select committee, made the following report :

MR. SPEAKER :

Your committee to whom was referred the subject for the House, respectfully report, that it is understood the ministers in the city will furnish the House a Chaplain, during our sitting.

Which report was concurred in.

Mr. Walker offered the following report :

MR. SPEAKER .

The special committee to whom was referred the question of employes, and to whom the Clerks and Doorkeepers were required to report the names of their employes, respectfully report, that the following persons have been appointed by the Principal Clerk, Assistant Clerk and Doorkeeper of the House of Representatives :

By the Speaker :

Page—Charles Burrett.

Floor Page—Eddie Mason.

Floor Page—Oscar Cobb.

Floor Page—Lewis Munson.

Floor Page—Charles Southard.

By the Principal Clerk :

Page—Charles Lambert, of Cass.
 Reading Clerk—John L. Rupe, of Wayne.
 Registry Clerk—J. C. McCormick, of Clark.
 File Clerk—John C. Eiler, of Delaware.
 Enrolling Clerk—John M. Commons, of Marion.
 Enrolling Clerk—Stephen Metcalf, of Madison.
 Enrolling Clerk—Eugene Sullivan, of Wabash.
 Engrossing Clerk—Granville S. Wright, of Marion.
 Engrossing Clerk—Colonel W. H. Snodgrass, of Clark.
 Engrossing Clerk—Miss E. Pettijohn, of Hamilton.
 Engrossing Clerk—D. W. Rowland, of Knox.

By the Assistant Clerk :

Minute Clerk—Wm. S. Barclay.
 Journal Clerk—Alexander Shepherd.
 Copying Clerk—Daniel M. Ransdell.
 Copying Clerk—W. H. Brown.
 Copying Clerk—George O. Henry.
 Copying Clerk—L. T. Wilson.
 Copying Clerk—John L. Pitner.

By the Doorkeeper :

Assistant Doorkeeper—W. H. H. Graham.
 East Door—Frank M. Busby.
 West Door—J. M. McLain.
 First Cloak Room—G. M. Adams.
 Second Cloak Room—E. P. Beauchamp.
 Post Master—J. H. Edwards.
 Assistant Post Master—M. D. Hamilton.
 Mail Carrier—Frederick Löffler.
 First Paper Folder—Frank Matlock.
 Second Paper Folder—Lewis Mason.
 Committee Room Doorkeeper—W. H. Freeman.

Sweeper—Jesse Greene.

Fireman—James Lackhart.

Fireman—Wm. Hutchings.

Water Carrier—Henry Baily.

Water Closet—H. H. Porter.

Spittoon Cleaner—Isaac S. Johnson.

Doorkeeper Chief Clerk's Room—E. B. Cole.

Which report was concurred in.

Mr. Walker, from the select committee, to whom was referred the claims of William M. Merwin, C. S. McDonald and L. H. Long, made the following report :

MR. SPEAKER :

Your special committee to whom was referred the claim of W. H. Merwin, C. S. McDonald, and D. H. Long, for two days' services each in assisting in the organization of the House at the present session, have had the same under consideration, and have directed me to report in favor of the allowance of said claim at the rate of five dollars per day each.

Which was concurred in.

Mr. Walker, from the select committee to whom was referred the proposition of Henry C. Painter and William M. Merwin, made the following report :

MR. SPEAKER :

Your committee to whom was referred the proposition of Henry C. Painter and William Merwin, in relation to the postmaster of the House, have had the same under consideration, and have instructed me to report against the proposition.

Which was concurred in.

Mr. Cauthorn offered the following resolution of inquiry :

WHEREAS, His Excellency the Governor, in his message delivered before the joint convention of the two Houses on Thursday last, calls the attention of the General Assembly to the unsundered

bonds issued for internal improvement purposes, now held by John W. Garrett, the payment of which is now sought to be enforced by legal proceedings now pending in the Cass county Circuit Court, on change of venue from the Carroll county Circuit Court, and also recommends immediate action to be taken in the premises by this General Assembly ; therefore,

Resolved, That his Excellency the Governor is hereby respectfully requested, at his earliest convenience, to inform this House under what authority of the State of Indiana, said bonds so held by Garrett were issued, the date of the act authorizing their issue, the amount of the principal, interest and cost which the treasury of the State will have to furnish in case of their payment by the State, according to the recommendations of his Excellency.

Resolved, That his Excellency the Governor is also requested at the same time to inform this House, under what authority of the State of Indiana the bonds held by William H. Beers and others, whose payment was sought to be enforced by suit in the Carroll county Circuit Court some ten years since, were issued, the date of the act authorizing their issue, the amount of the said bonds, together with interest and cost, and what was the final issue of said legal proceedings subsequent to the decision of the Supreme Court of the United States, reported in 2 Black's Supreme Court Reports, and whether said bonds are paid, and if so who paid them ; and what amount the trustees of the Wabash and Erie Canal were compelled to disburse out of their trust funds, in consequence of said litigation.

Resolved, That his Excellency is also respectfully requested to give his opinion whether if the State, out of abundant precaution and with accustomed generosity *ex gratia*, make provision for the payment of the Garrett bonds as recommended by his Excellency, the State will ever in the future be threatened or harrassed on account of unsurrendered internal improvement bonds by any other person or persons, or by any corporation trust, or other source whatever, and whether such payment by the State can be construed into a breach of plighted faith on the part of the State, by reason of the latter proviso of section 8, of an act approved January 27, 1847, being an act supplemental to an act commonly called the Butler Bill.

Which was agreed to.

Mr. Heller offered the following resolution :

Resolved, That the committee on claims be instructed to examine the record of the last session of this General Assembly, and report to this House the fact in relation to the contested case of William B. Walters against R. S. Taylor ; also report whether the said William B. Walters should receive the usual remuneration in such cases.

Which was adopted.

Mr. Heller offered the following resolution :

Resolved, That the judiciary committee be, and is hereby instructed to draft a bill, amending the present ditch and drainage laws, and report the same to this House without unnecessary delay.

Which was adopted.

Mr. Heller offered the following resolution :

WHEREAS, The State House is in an old and crumbling condition, and otherwise totally insufficient to accommodate the growing interest of the commonwealth of Indiana, therefore,

Resolved, That a committee of one from each Congressional District be appointed to take into consideration the propriety and necessity for a new Capitol building, and report the same during the present session.

Which was adopted.

Mr. Bowser introduced

House Bill No. 11. An act to amend section 62, 63, 65 and 66 of an act entitled " An act to repeal all general laws now in force for the incorporation of cities, and provide for the incorporation of cities, prescribing their power and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, and declaring an emergency.

Which was read a first time.

Mr. Powser introduced

House Bill No. 12. An act to exempt two months' wages or salary from garnishee process and foreign attachment.

Which was read a first time.

Mr. Ellsworth introduced.

House Bill No. 13. An act repealing section one of an act entitled "An act prescribing the duties and fixing the compensation of State Agent," approved June 17th, 1852, and authorizing the Secretary of State to perform the duties thereof, and amending section four of said act, and declaring when this act shall take effect.

Which was read a first time.

Mr. Miller introduced

House Bill No. 14. An act to amend sections 5 and 7 of an act entitled "An act in relation to commissioners' certificates and resignations of officers," approved May 28th, 1852.

Which was read a first time.

Mr. Given introduced

House Bill No. 15. An act to amend section 70 of an act entitled "An act providing for the elections and qualification of justices of the peace, and defining their jurisdiction. powers and duties in civil cases," approved June 9th, 1852.

Which was read a first time.

Mr. Lenfesty introduced

House Bill No. 16. An act to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws in conflict with the provisions of this act and prescribing penalties for the violation thereof.

Which was read a first time.

Mr. Gregory moved to refer it to the committee on temperance.

Which motion prevailed.

Mr. Thompson, of Elkhart, introduced

House Bill No. 17. A bill for an act to divide the State into congressional districts.

Which was read a first time.

Mr. Isenhaur introduced

House Bill No. 18. An act to amend the thirteenth section of "An act in relation to county treasurers," approved June 4th, 1852.

Which was read a first time.

Mr. Buskirk introduced

House Bill No. 19. An act to enable husband or wife, or either of them, to be a witness for or against the other, or on behalf of any party in certain cases.

Which was read a first time.

Mr. Buskirk introduced

House Bill No. 20. An act concerning contracts, wherein the obligator agrees to pay the fees of the plaintiff's attorneys, if sued upon.

Which was read a first time.

Mr. Wilson, of Ripley, moved to refer it to the judiciary Committee.

Which motion prevailed.

Mr. Pfrimmer introduced

House Bill No. 21. A bill to amend the seventh section of an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incident thereto," approved May 13, 1852.

Which was read a first time.

Mr. Branham introduced

House Bill No. 22. An act to amend the first section and the title of an act approved March 4, 1865, entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."

Which was read a first time.

Mr. Branham moved to suspend the rules and have the bill read a second time.

Whereupon the ayes and noes were called upon the suspension of the Constitutional rule.

Those who voted in the affirmative were, Messrs.

Anderson,	Furnas,	Miller,
Barrett,	Gifford,	McKinney,
Baxter,	Glasgow,	McConnell,
Billingsley,	Glazebrook,	North,
Bowser,	Goble,	Odle,
Blocher,	Goudie,	Offutt,
Branham,	Gregory,	Ogden,
Brett,	Gronendyke,	Peed,
Buskirk,	Hardesty,	Prentiss,
Butts,	Hatch,	Pfrimmer,
Butterworth,	Heller,	Reeder,
Broadus,	Henderson,	Reno,
Cauthorn,	Hedrick,	Reeves,
Clark,	Hollinsworth,	Riggs,
Claypool,	Hoyer,	Richardson,
Cline,	Isenhaur,	Rumsey,
Coffman,	Johnson,	Schmuck,
Cobb,	Jones,	Scott,
Cole,	Kimball,	Shirley,
Cowgill,	King,	Smith,
Crumpacker,	Kirkpatrick,	Spellman,
Durham,	Lenfesty,	Stanley,
Eaton,	Lee,	Shutt,
Edwards, of Lawrence,	Lent,	Strange,
Ellsworth,	Martin,	Teeter,
Eward,	Mellet,	Tingley,

Thompson, of Speneer, Walker,	Woollen,
Thompson, of Elkhart, Wilson, of Ripley,	Woodard,
Thayer,	Wilson, of Jay,
Troutman,	Willard,
Tulley,	Wolflin,
	Wynn,
	Mr. Speaker—93.

Noes, none.

So the Constitutional rule was suspended, and the bill read a second time by its title.

Mr. Shirley introduced

House Bill No. 23. An act to amend an act for the granting of divorces, nullification of marriages and decrees, and orders of Court incidental thereto, approved May 13, 1852.

Which was read a first time.

Mr. Shirley moved to refer the bill to the judiciary committee.

Which motion prevailed.

Mr. Woollen introduced

House Bill No. 24. An act to provide designated depositories for the safe keeping of the public funds in the State and several counties, and providing penalties for the enforcement thereof.

Which was read a first time.

Mr. Wilson, of Ripley, moved to refer the bill to the committee on trust funds.

Which motion prevailed.

Mr. Wilson, of Ripley, introduced

House Bill No. 25. An act fixing the salaries of the Governor, Judges of the Supreme Court, Judges of the Circuit Courts, Judges of the Common Pleas Courts, and District Attorneys, and to repeal section 4 of an act, entitled, "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith," approved February 25, 1865.

Which was read a first time.

Mr. Cowgill moved to refer the bill to the committee on fees and salaries.

Which motion prevailed.

Mr. Wilson, of Ripley, introduced

House Bill No. 26. An act to amend section 9 of an act, entitled, "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved, June 9, 1852, and repealing all laws and parts of laws in conflict therewith.

Which was read a first time.

Mr. Wilson, of Ripley, moved that the bill be referred to the committee on the judiciary.

Which motion prevailed.

Mr. Wilson, of Ripley, introduced

House Bill No. 27. An act concerning interest on judgments

Which was read a first time.

Mr. Wilson, of Ripley, moved to refer the bill to the judiciary committee.

Which motion prevailed.

Mr. Martin introduced

House Bill No. 28. An act defining and extending the jurisdiction of Courts of Common Pleas in civil cases.

Which was read a first time.

On motion,

The bill was referred to the judiciary committee.

Mr. Shirley introduced

House Bill No. 29. An act to amend sections 20 and 27 of an act regulating the fees, salaries and duties of certain officers therein

named, and prescribing penalties for the violation of its provisions, approved February 21, 1871.

Which was read a first time.

On motion,

The bill was referred to the committee on fees and salaries.

Mr. Shirley introduced

House Bill No. 30. An act to amend section 445 of an act, entitled, "An act to revise and simplify, and abridge the rules, practice, pleadings and forms in civil cases in this State, to abolish distinct forms for the administration of justice in a uniform mode of proceeding and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time.

On motion,

The bill was referred to the committee on judiciary.

Mr. Shirley introduced

House Bill No. 31. An act in relation to public printing.

Which was read a first time.

On motion,

The bill was referred to the committee on printing.

Mr. Cauthorn offered the following resolution:

Resolved, That we heard with great pleasure, the able and exhaustive message delivered in presence of the joint convention of the Houses of this General Assembly, on Thursday last, by his Excellency, Conrad Baker, and while there may not be perfect and entire unanimity upon all the recommendations therein containing, yet, as a whole, it commends itself to the judgments of this House, as an able and reliable State paper.

Resolved, That the allusion made by his Excellency, to Norman

Eddy, late Secretary of State for Indiana, does credit to his past reputation as a christian statesman, and meets with a hearty response and approval from this House, and so beautifully and feelingly is the allusion, that we are at a loss whether to admire more the sentiment expressed, or the emotional manner in which they found expression.

Resolved, That having expressed, during his administration the disadvantage resulting from the parsimonious salary meted out to him, we appreciate more the unselfish spirit with which he endeavored to shield his successor in office, immediate and remote, from like impositions.

Which was adopted.

Mr. Wood introduced

House Bill No. 32. An act to provide for the time of holding the Court of Common Pleas in the Sixteenth Judicial District of this State, and to repeal all laws in conflict therewith.

Which was read a first time.

On motion of Mr. Wood,

The bill was referred to a select committee, consisting of the following named gentlemen: L. D. Glazebrook, Gethro A. Hatch, J. Crumacker.

Which motion prevailed, and the bill was so referred.

Mr. Wood introduced

House Bill No. 33. An act appropriating seventy-five thousand dollars, to defray the expenses of the special session of 1872, of the General Assembly of the State of Indiana.

Which was read a first time.

Mr. Heller moved to suspend the rules and the bill be read a second time by its title.

The ayes and noes were taken under the Constitutional rule.

Those who voted in the affirmative were, Messrs.

Anderson,	Hardesty,	Riggs,
Barrett,	Hatch,	Richardson,
Billingsley,	Heller,	Rumsey,
Bowser,	Henderson,	Satterwhite,
Blocher,	Hendrick,	Schmuck,
Branham,	Hollingsworth,	Scott,
Brett,	Hoyer,	Shirley,
Buskirk,	Isenhaur,	Smith,
Butterworth,	Johnson,	Spellman,
Broadus,	Jones,	Stanley,
Cauthorn,	Kimball,	Shutt,
Clark,	King,	Strange,
Claypool,	Kirkpatrick,	Teter,
Cline,	Lenfesty,	Tingley,
Coffman,	Lee,	Thompson, of Spencer,
Cobb,	Lent,	Thompson, of Elkhart,
Cole,	Martin,	Thayer,
Cowgill,	Mellett,	Troutman,
Crumpacker,	Miller,	Tulley,
Durham,	McKinney,	Walker,
Eaton,	McConnell,	Wilson, of Ripley,
Edwards, of Lawrence,	North,	Wilson, of Blackford,
Ellsworth,	Odle,	Willard,
Eward,	Offut,	Wesner,
Gifford,	Ogden,	Wolflin,
Given,	Peed,	Woollen,
Glasgow,	Prentiss,	Wood,
Glazebrook,	Pfrimmer,	Woodard,
Goble,	Reeder,	Whitworth,
Goudie,	Reno,	Wynn,
Gregory,	Reeves,	Mr. Speaker—94.
Gronendyke,		

No Representative voting in the negative.

So the bill was read a second time by its title.

Mr. Wilson, of Ripley, moved to consider the bill as engrossed, and read a third time.

Which motion prevailed.

So the bill was read a third time and put upon its passage.

The question being, shall the bill pass.

Those who voted in the affirmative were, Messrs.

Anderson,	Hardesty,	Reeves,
Barrett,	Hatch,	Richardson,
Baxter,	Heller,	Rumsey,
Billingsley,	Henderson,	Satterwhite,
Bowser,	Hendrick,	Schmuck,
Blocher,	Hollingsworth,	Scott,
Brett,	Hoyer,	Shirley,
Buskirk,	Isenhaur,	Smith,
Butts,	Johnson,	Spellman,
Butterworth,	Jones,	Stanley,
Broadus,	Kimball,	Schutt,
Cauthorn,	King,	Strange,
Clark,	Kirkpatrick,	Teter,
Claypool,	Lenfesty,	Tingley,
Cline,	Lee,	Thompson, of Spencer,
Coffman,	Lent,	Thompson, of Elkhart,
Cole,	Martin,	Thayer,
Cowgill,	Mellett,	Troutman,
Crumpacker,	Miller,	Tulley,
Durham,	McKinney,	Walker,
Eaton,	McConnell,	Wilson, of Ripley,
Edwards, of Lawrence,	North,	Wilson, of Blackford,
Ellsworth,	Odle,	Willard,
Eward,	Offutt,	Wesner,
Gifford,	Ogden,	Wolffin,
Given,	Peed,	Woollen,
Glasgow,	Prentiss,	Wood,
Glazebrook,	Pfrimmer,	Woodard,
Goble,	Rudder,	Whitworth,
Goudie,	Reno,	Wynn,
Gregory,	Riggs,	Mr. Speaker—94.
Gronendyke,		

No Representative voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Edwards, of Lawrence, offered the following resolution.

Resolved, That the Secretary of State be instructed to furnish each member of the House with one copy of the laws of the General Assembly of 1871, and the Brevier Reports of 1871, and place the same on the desks of the members.

Which was adopted.

Mr. Edwards, of Lawrence, offered

Joint Resolution No. 3. A joint resolution instructing and requesting our Representatives in Congress to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in the war of the rebellion.

Be it resolved by the General Assembly of the State of Indiana, That our Senators be instructed and that our Representatives in Congress be requested to use their influence to secure the passage of a law to allow all honorably discharged soldiers and seamen of the army and navy of the United States, who served in the war of the rebellion, bounty at the rate of eight and one-third dollars per month for all the time served, deducting therefrom the amount which they have already received.

Resolved, That His Excellency, the Governor, be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in the United States Congress from this State.

Which was read a first time.

Mr. Hardesty introduced

House Bill No. 34. An act providing the number of petit jurors necessary to find a verdict in civil and criminal cases in the State of Indiana.

Which was read a first time.

On motion,

The bill was referred to the committee on the judiciary.

Mr. Billingsley offered the following resolution :

Resolved, That the Honorable Schuyler Colfax, a distinguished citizen of Indiana, the Vice President of the United States, who is now on a visit at the capital of the State, be invited to occupy a seat within the bar of this House during his stay.

Which was adopted.

Mr. Johnson introduced

House Bill No. 35. A bill to amend an act entitled, "An act to revise, simplify and abridge the rules of practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852.

Which was read a first time.

On motion,

The bill was referred to the committee on the judiciary.

Mr. Kimball introduced

House Bill No. 36. An act to amend section 1, 6, and 16, of an act entitled an act to incorporate the Franklin Insurance Company, approved February 13, 1851.

Which was read a first time.

On motion the bill was referred to the committee on Insurance.

Mr. King introduced

House Bill No. 37. A bill authorizing an appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses in the years of 1870 and 1871.

Which was read a first time.

Mr. King introduced

House Bill No. 38. An act to amend an act entitled an act to incorporate the Indiana Fire and Marine Insurance Company.

Which was read a first time.

On motion the bill was referred to the committee on insurance.

Mr. King introduced

House Bill No. 39. An act to amend section second, of an act entitled "An act concerning the organization of voluntary associations and repealing former laws in reference thereto," approved February 12, 1855, and declaring an emergency to exist.

Which was read a first time.

Mr. Henderson introduced

House Bill No. 40. A bill to repeal an act entitled "An act to provide for the redemption of real property or any interest therein sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances and repealing all laws in conflict therewith," approved June 4, 1861.

Which was read a first time.

Mr. Henderson introduced

House Bill No. 41. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies and repeal all former laws relating to the same subject, which act took effect May 22, 1869; also to repeal an act entitled, "An act supplemental to an act to authorize and encourage the construction of levees, dykes and drains and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws on the same subject," which act took effect May 22, 1869, and prescribing penalties for the violation of the provisions thereof, approved February 23, 1871.

Which was read a first time.

On motion the bill was referred to the committee on swamp lands.

Mr. Henderson presented the petitions of sundry citizens of St. Joseph and Marshall counties on the subject of swamp lands.

Which was referred to the committee on swamp lands.

Mr. Woodard introduced

House Bill No. 42. An act repealing an act entitled "An act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donations to railroad companies," approved May 12, 1869.

Which was read a first time.

On motion,

The bill was referred to the committee on railroads.

Mr. Schmuck introduced

House Bill No. 43. An act to repeal an act entitled "An act providing for the redemption of real property, or any interest therein sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith," approved June 4th, 1861.

Which was read a first time.

Mr. Peed offered the following resolution :

Resolved, That the special committee, to whom was referred the question of the number of papers and the amount of stamps and stationery for the use of each member of the House, be discharged from further consideration of the same.

Mr. Butterworth moved to lay the resolution on the table.

Which motion prevailed.

Mr. Peed introduced

House Bill No. 44. An act to repeal an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852, approved March 2, 1865.

Which was read a first time.

Mr. Speaker laid the following communication from the Governor before the House:

To the Speaker of the House of Representatives:

I have just received, and herewith transmit, the annual report of the Trustees and Superintendent of the Institution for the Education of the Blind for the year 1872. I respectfully request that the necessary resolution directing the printing of the requisite number of copies of the report may be passed at as early a day as practicable.

Which, on motion,

Was referred to the committee on benevolent institutions.

Mr. Speaker presented the following report from the Auditor of State:

INDIANAPOLIS, November 18, 1872.

HON. WILLIAM K. EDWARDS,

Speaker of the House of Representatives:

In compliance with a resolution of the House, adopted on the 15th instant, a copy of which is herewith endorsed, I have the honor to submit the following:

The books of this office show that there has been audited in favor of A. E. and W. H. Drapier, from 1861 to 1872 inclusive, as follows:

During 1861.....	\$2,752.50
During 1862.....
During 1863.....
During 1864.....
During 1865.....	2,268.60
During 1866.....
During 1867.....	4,760.00
During 1868.....
During 1869.....	7,373.32
During 1870.....
During 1871.....
During 1872.....
<hr/>	
Making a total during the twelve years.....	\$20,154.42

It is perhaps proper to add that the same parties have, in addition, presented for payment, bills on account of their reports for the last Assembly which I declined to audit, and have not been paid for the reason that no appropriation has been made therefor. I find no other payments on account of legislative reports.

Respectfully submitted,

JOHN C. SHOEMAKER,

Auditor.

Resolved, That the Auditor of State be, and is hereby instructed, to communicate to this body the sums paid each year, for the past twelve, to A. E. and W. H. Drapier, or others on account of paper, reporting, publishing or binding, what is commonly known as the Brevier Reports.

Which, on motion, was referred to a select committee of three, consisting of the following named gentlemen: Messrs. Hardesty, Richardson and Thayer.

Mr. Smith offered the following resolution:

Resolved, That the judiciary committee be requested to inquire

into the expediency of so amending the law of this State on the subject of the rights of married women as to enable them to contract in reference to their separate property, and to render themselves liable therein to the same extent as if they were unmarried, either with or without the consent of their husbands.

Which was adopted.

Mr. Smith introduced

House Bill No. 45. An act to amend section 1 of an act entitled "An act fixing the per diem and mileage of members of the General Assembly, secretaries, clerks, doorkeepers, and other employes thereof," approved December 20, 1865.

Which was read a first time.

Which, on motion, was referred to the committee on fees and salaries.

Mr. Butterworth presented the petitions of sundry citizens of St. Joseph county, asking for the repeal of the corporation draining laws.

Which, on motion, were referred to the committee on swamp lands.

Mr. Cole introduced

House Bill No. 46. A bill to repeal an act, entitled "An act providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," approved, February 22, 1871.

Which was read a first time.

Mr. Riggs introduced

House Bill No. 47. An act to empower the Board of Trustees of any incorporated town in this State, to appoint a town Attorney defining his powers, duties and fees.

Which was read a first time.

On motion

The bill was referred to the committee on corporations.

Mr. Butts offered the following resolution :

Resolved, That the committee on the judiciary be instructed to inquire what further legislation, if any, is necessary to secure a just fair and equitable assessment of taxable property within this State, as is required and contemplated by the Constitution of the State of Indiana, and report by bill or otherwise.

Which was agreed to.

Mr. Butts introduced

House Bill No. 48. An act to provide for the regulation of the running at large of all kinds of animals within the different townships of the different counties of the State, and to provide for the taking up, impounding and selling of such animals.

Which was read a first time.

On motion

The bill was referred to the committee on agriculture.

Mr. Cowgill introduced

House Bill No. 49. An act creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein.

Which was read a first time.

On motion the bill was referred to the Committee on the Organization of Courts.

Mr. Odel introduced

House Bill No. 50. An act to amend the fifth section of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act, entitled "An act, for the protection of sheep, approved June 15, 1852, prescribing the duties of township

trustees in relation thereto, adding an additional section and declaring an emergency.

Which was read a first time.

On motion, the bill was referred to the committee on agriculture.

Mr. Speaker announced the following select committees.

Select committee on subjects, referred to in the Governor's Message.

The Late Norman Eddy—Messrs. Henderson, Butterworth, Offutt, Wood and Cauthorn.

Tippecanoe Battle Ground—Messrs. Hollingsworth, Strange and Cole.

Soldier's Monument—1st Congressional District, Riggs; 2d, Willard; 3d, Goudie; 4th, Offutt; 5th, Kimball, Chairman; 6th, Edwards, of Lawrence; 7th, Richardson; 8th, Cowgill; 9th, Bowser; 10th, Glasgow; 11th, Hatch.

On motion of Mr. Offutt,

The House adjourned until 2 o'clock, P. M.

TUESDAY AFTERNOON,

NOVEMBER 19th, 1872, 2 O'CLOCK.

The House met.

Orders of the day.

Call of the House for the introducing of bills.

Mr. Baxter introduced

House Bill No. 51. An act to provide against the evils resulting

from the sale of intoxicating liquors in the State of Indiana, prescribing penalties for the violation thereof, and to repeal all former laws contravening the provisions of this act.

Which was read a first time.

On motion,

The bill was referred to the committee on temperance.

Mr. Gregory offered the following resolution :

WHEREAS, It has come to the knowledge of this House that there is an unexpended balance of eighteen thousand dollars (\$18,000) of the appropriation made at the last term of the General Assembly of the State, to defray the expenses of the same, now in the hands of the Treasurer of State.

Resolved, That the sum be expended in defraying the expenses of the present session of this Legislature of Indiana, and that it be drawn out of the Treasury of State in the manner and form provided for by law.

Which was adopted.

Mr. Mellett asked leave to withdraw House Bill No. 1.

Which was agreed to, and said bill was withdrawn.

House Bill No. 2 was referred to the members of the Third Judicial District.

House Bill No. 3 was referred to the committee on swamp lands.

House Bill No. 4 was referred to the committee on swamp lands.

House Bill No. 5 was referred to the committee on the judiciary.

House Bill No. 6 was referred to the committee on federal relations.

House Bill No. 7 was referred to the committee on the judiciary.

House Bill No. 8 was referred to the committee on agriculture.

House Bill No. 9 was referred to the committee on printing.

House Bill No. 10 was referred to the committee on county and township business.

Mr. Reno introduced

House Bill No. 52. A bill providing for the taking of fish.
Which was read a first time.

Mr. King introduced

House Bill No. 53. A bill authorizing an appropriation of money out of the State treasury to enable the Board of Trustees of Indiana University, located at Bloomington, Monroe county, to erect buildings for the use of said University.

Which was read a first time.

On motion,

The bill was referred to the committee on education.

Mr. Mellett introduced

House Bill No. 54. An act to amend an act passed at the special session of the General Assembly, begun on the 13th day of November, 1865, entitled "An act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property made subsequent to the year 1859, for the purpose of extending the provisions of said act so as to secure a just valuation, assessment and taxation of all property belonging to railroad companies within this State, either now constructed or hereafter to be constructed from the time of the completion of their lines of road until the first general appraisement of the real property of the State next after such completion, to legalize assessments and payment of taxes heretofore made under existing laws and to extend certain provisions of the above act of the special session of 1865 to the enforcement of this act, and declaring an emergency.

Which was read a first time.

On motion,

The bill was referred to the committee on railroads.

Mr. Mellett introduced

House Bill No. 55. An act to amend an act entitled, "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith and prescribing the fees for certain officers therein named and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6th, 1865, and adding supplemental sections thereto.

Which was read a first time, and

On motion,

Referred to the committee on education.

Mr. Furnas introduced

House Bill No. 56. A bill authorizing the appropriation of money out of the State treasury for the use of the Indiana University, located at Bloomington, Monroe county.

Which was read a first time, and,

On motion,

Referred to the committee on education.

Mr. Hollingsworth introduced

House Bill No. 57. An act to prevent stock from running at large and providing a penalty for permitting the same to run at large.

Which was read a first time and

Referred to the committee on agriculture.

Mr. Ogden moved that the House take a recess for the purpose of receiving introductions to Vice President Schuyler Colfax.

Which motion prevailed.

On the House being called to order

Mr. Kimball was granted leave of absence for Wednesday and Thursday.

Mr. Woodward offered the following resolution:

Resolved, That the Doorkeeper be requested to procure suitable rooms for the meeting of the different committees and report to this House as soon as possible.

Which was adopted.

Mr. Ogden submitted the following report of the committee on stationery, etc.

MR. SPEAKER:

The committee appointed to fix the amount that shall be allowed and paid to each member and officer of the House, for stationery and postage stamps, and the number of newspapers to be furnished to each member of the House, beg leave to submit the following resolution :

Resolved, That each member of the House be authorized to draw from the Secretary, Auditor and Treasurer of State, twenty-five dollars worth of stationery and stamps; that the chairman of each standing committee be authorized to draw from the Secretary, Auditor and Treasurer of State ten dollars worth of stationery for the use of his committee; that the Chief Clerk of the House be authorized to draw from the said officers of State such stationery in kind as may be necessary for the proper discharge of the duties of his office, and in an amount not exceeding the sum of fifty dollars; that the Assistant Clerk of the House be authorized to draw from said State officers, such stationery in kind as may be necessary in the proper discharge of the duties of his office, and in an amount not exceeding the sum of seventy-five dollar, and that the Doorkeeper of the House be authorized to draw from said State officers such stationery as shall be necessary in the proper discharge of the duties of his office, and in an amount not exceeding the sum of ten dollars.

Resolved, That the Doorkeeper of this House be authorized and empowered to contract for and deliver to each member and elective officer of this House, three copies each of the Indianapolis daily Journal, Indianapolis daily Sentinel, daily Telegraph and weekly Volksblatt, wrapped and stamped; *provided*, that all such shall be purchased at the lowest wholesale prices.

Mr. Kimball offered the following amendment.

That the Secretary of State be authorized to furnish each member and elective officer of the House fifty dollars worth of stationery and stamps.

Which was adopted.

The report as amended was then adopted.

Mr. Furnas moved to reconsider the vote on the adoption of the report as amended and to lay that motion on the table.

A division of the question was demanded.

The Speaker stated the question to be to reconsider.

Mr. Kimball moved to lay the motion to reconsider on the table.

Whereupon the ayes and noes were demanded by Messrs. Branham and Reno.

Those who voted in the affirmative were, Messrs.

Anderson,	Gregory,	Ogden,
Barrett,	Gronendyke,	Peed,
Billingsley,	Hardesty,	Richardson,
Bowser,	Hatch,	Rumsey,
Buskirk,	Heller,	Spellman,
Broadus,	Henderson,	Shutt,
Cauthorn,	Isenbaur,	Strange,
Clark,	Johnson,	Teter,
Cline,	Jones,	Tingley,
Coffman,	Kimball,	Thompson, of Spencer,
Cobb,	King,	Thayer,
Cole,	Kirkpatrick,	Tulley,
Cowgill,	Lee,	Walker,
Durham,	Lent,	Wesner,
Eaton,	Martin,	Wolfen,
Eward,	Mellet,	Woollen,
Furnas,	Miller,	Wood,
Gifford,	McKinney,	Woodard—56.
Goble,	Odle,	

Those who voted in the negative were, Messrs.

Baker,	Glazebrook,	Satterwhite,
Baxter,	Gondie,	Schmuck,
Blocher,	Hollingsworth,	Shirley,
Branham,	Hoyer,	Smith,
Brett,	Lenfesty,	Stanley,
Butts,	McConnell,	Thompson, of Elkhart,
Butterworth,	North,	Troutman,
Claypool,	Offutt,	Wilson, of Ripley,
Crumpacker,	Prentiss,	Wilson, of Jay,
Edwards, of Lawrence,	Pfrimmer,	Willard,
Ellsworth,	Rudder,	Whitworth,
Given,	Reno,	Wynn,
Glasgow,	Reeves,	Mr. Speaker—39.

* So the motion to reconsider was laid on the table.

On motion of Mr. Gifford,

The House adjourned until to-morrow at 9 o'clock, A. M.

WEDNESDAY MORNING.

NOVEMBER 20, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the Chair.

The Journal of yesterday was read in part, when on motion, the further reading of the same was dispensed with.

Joint Resolution No. 3 was referred to the committee on federal relations.

House Bill No. 41 was referred to the committee on cities and towns.

House Bill No. 12 was referred to the committee on the judiciary.

House Bill No. 13 was referred to the committee on the judiciary.

House Bill No. 14 was referred to the committee on the judiciary.

House Bill No. 15 was referred to the committee on the judiciary.

House Bill No. 17 was referred to the committee on the judiciary.

House Bill No. 18 was referred to the committee on the judiciary.

House Bill No. 19 was referred to the committee on the judiciary.

House Bill No. 21 was referred to the committee on the judiciary.

House Bill No. 37 was referred to the committee on education.

House Bill No. 39 was referred to the committee of corporations.

House Bill No. 41 was referred to the committee on the judiciary.

House Bill No. 43 was referred to the committee on the judiciary.

House Bill No. 44 was referred to the committee on agriculture.

House Bill No. 46 was referred to the committee on rights and privileges.

House Bill No. 52 was referred to the committee on rights and privileges.

Mr. Branham moved to take up House Bill No. 22, and that the same be considered as engrossed, read a third time, and put upon its passage.

Which motion prevailed and the bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Coffman,	Goble,
Baker,	Cobb,	Gondie,
Barrett,	Cole,	Gregory,
Billingsley,	Cowgill,	Gronendyke,
Bowser,	Crumpacker,	Hardesty,
Blocher,	Durham,	Hatch,
Branham,	Eaton,	Heller,
Brett,	Edwards, of Lawrence,	Henderson,
Buskirk,	Ellsworth,	Hedrick,
Butts,	Eward,	Hollinsworth,
Butterworth,	Furnas,	Hoyer,
Breadus,	Gifford,	Isenhaur,
Cauthorn,	Given,	Johnson,
Clark,	Glasgow,	King,
Cline,	Glazebrook,	Kirkpatrick,

Lenfesty,	Reno,	Thompson, of Spencer,
Lee,	Reeves,	Thompson, of Elkhart,
Lent,	Richardson,	Thayer,
Martin,	Rumsey,	Troutman,
Melletts,	Satterwhite,	Tulley,
Miller,	Schmuck,	Walker,
McKinney,	Scott,	Wilson, of Jay,
McConnell,	Shirley,	Willard,
North,	Smith,	Wolfen,
Odle,	Spellman,	Woolen,
Offutt,	Stanley,	Wood,
Ogden,	Shutt,	Woodard,
Peed,	Strange,	Whitworth,
Prentiss,	Teeter,	Wynn,
Pfrimmer,	Tingley,	Mr. Speaker—91.
Rudder,		

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

INTRODUCTION OF BILLS, PETITIONS AND RESOLUTIONS.

Mr. Bowser introduced

House Bill No. 58. An act to promote the science of medicine and surgery, in the State of Indiana, and providing penalties for the violation of its provisions.

Which was read a first time.

Which,

On motion,

Was referred to the committee on benevolent institutions.

Mr. Richardson offered the following resolution :

WHEREAS, Two suits were instituted in the Circuit Court of Carroll county, Indiana, in the year 1868, by the State of Indiana, on the relation of John D. Evans, Auditor of State of the State of Indiana, against Joseph Evans and William Dunkle, executors of Samuel Grimes, late of Carroll county, deceased, former Agent appointed by the Legislature of this State, in the year 1837, for the management of that portion of the surplus revenue fund of 1836, which was allotted to Carroll county; for the recovery of certain moneys in the possession of said executor, which belonged to said surplus revenue fund, and,

WHEREAS, The records of said Carroll Circuit Court, show that said suits were prosecuted to a final judgment, and that judgment was obtained thereon, amounting in the aggregate to \$15,699.04, for the use of the State of Indiana on account of said surplus revenue fund; and,

WHEREAS, The records of said Court show that said Auditor of State, John D. Evans, by his Attorney of Record in said suits, receipted in full for said judgments, one on the 6th day of October, 1869, and one on the 12th day of July, 1870; and,

WHEREAS, It appears from the records of the Auditor of the State of Indiana, that only \$700 of said money, so recovered, have been accounted for and paid into the State treasury, for the use of said surplus revenue fund; therefore,

Resolved, That a special committee, consisting of five members of this House, be appointed to investigate and inquire into the facts set out in the preamble to this resolution, and that said committee be empowered to send for persons and papers to aid them in such investigations, and that they report their proceedings thereon to this House without unnecessary delay.

Which was adopted.

Mr. Ellsworth introduced

House Bill No. 59. An act to amend section 6 of an act entitled "An act to amend an act entitled 'an act providing for the election or appointment of supervisors of highways, and prescribing certain of

their duties and those of county and township officers in relation thereto," approved March 5, 1859, approved December 20, 1865.

Which was read a first time, and

On motion,

Referred to the committee on roads.

Mr. Given introduced

House Bill No. 60. An act to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in bank and banking associations doing business in this State.

Which was read a first time, and

On motion,

Referred to the committee on banks.

Mr. Willard introduced

House Bill No. 61. An act to repeal an act entitled "An act to create the Twenty-seventh Judicial Circuit, providing for the appointment and election of a judge and prosecuting attorney therein, and for their compensation, declaring the jurisdiction of the courts in said circuit, and providing for a transfer of action thereto," approved April 23, 1869.

Which was read a first time, and,

On motion,

Was referred to the committee on organization of courts.

Mr. Willard introduced

House Bill No. 62. An act limiting the disposition of property by the last will and testimony in certain cases, and providing to what extent certain testamentary devise shall be valid, and repealing all other acts and parts of acts inconsistent with this act.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Willard offered the following resolution :

Resolved, That the Doorkeeper be instructed, in addition to the daily papers already contracted for, to contract for five copies each of the Weekly Journal and Weekly Sentinel, folded and stamped ; and also for one copy each of the Saturday Morning Mirror and Sunday People, for the use of each member of this House.

Mr. Butts moved to lay the resolution on the table.

Which motion prevailed.

Mr. Troutman introduced

House Bill No. 63. An act to amend section 10, 11, 12, 14 and 26 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, and to repeal all acts and parts of acts inconsistent with this act.

Which was read a first time and referred to the committee on education.

The Speaker announced the following select committee in relation to the State House and State grounds.

First District—Mr. Cauthorn.

Second District—Mr. Willard.

Third District—Mr. Goudie.

Fourth District—Mr. Broaddus.

Fifth District—Mr. King.

Sixth District—Mr. Isenhaur.

Seventh District—Mr. Durham.

Eighth District—Mr. Anderson.

Ninth District—Mr. Wilson, of Jay.

Tenth District—Mr. Cobb, Chairman.

Eleventh District—Mr. Crumpacker.

Mr. Buskirk introduced

House Bill No. 64. An act making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving day and the day of the general election of State and Presidential holidays, and to regulate the maturity of commercial paper falling due on said days.

Which was read a first time, and referred to the committee on banks.

Mr. Isenhaur introduced

House Bill No. 65. An act to authorize Prosecuting Attorneys, of Circuit Courts, to prosecute the pleas of the State in Justices' Courts within the counties of their respective circuits, and regulate their fees for such prosecutions before such Justices' Courts.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Lenfesty introduced

House Bill No. 66. An act to amend the 207th section of an act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18th, 1852. That said section 207 of the act above referred to be, and the same is hereby amended to read as follows :

Which was read a first time, and referred to the committee on the organization of courts.

Mr. Lenfesty offered the following resolution :

Resolved, That his Excellency Governor Baker, be requested to furnish this House with the names and number of convicts in the State of Indiana ; who have received the benefits of the pardoning power, since the first day of January, 1871.

Which was adopted.

Mr. Pfrimmer introduced

House Bill No. 67. A bill making an appropriation of four hundred and thirteen thousand, five hundred and ninety-nine dollars and fifty-eight cents to pay the claims of sufferers by the Morgan raid.

Which was read a first time and referred to the committee on claims.

Mr. Offutt introduced

House Bill No. 68. An act to amend the seventh clause of section 22 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Which was read a first time, and referred to the committee on temperance.

Mr. Kirkpatrick introduced

House Bill No. 69. An act in relation to the settlement of supervisors of highways with township trustees, defining the time for settlement.

Which was read a first time, and referred to the committee on county and township business.

Mr. Kirkpatrick offered the following resolution :

Resolved, That in all cases where committees report favorably on any bill submitted for their consideration, this House does order that the same be printed in sufficient numbers to supply each member with a copy thereof.

Which was read a first time.

Mr. Branham introduced

House Bill No. 70. An act to enable counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein to aid in the construction of railroads opposite such counties in other States to run to such counties, or to the State line

or river forming the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency.

VISIT FROM VICE PRESIDENT COLFAX.

The reading of the above bill was interrupted by a motion from Mr. Cauthorn, that the House take a recess in order to receive Vice President Colfax, who was then in the body of the hall.

The motion was agreed to.

Mr. Colfax ascended the Speaker's desk, and was introduced by the Speaker.

He said that on the occasion of his visit on the previous day, he had asked the Speaker to return to the House his thanks for the courtesy extended to him, and had congratulated himself when leaving the hall, that for once he had escaped from a deliberative body, without the necessity of inflicting a speech upon the members. He had come in to-day to see the members from his county, Messrs. Butterworth and Henderson, and some other friends, and had no thought of making a speech. He would, therefore, be brief. He wished again to return his thanks to the House, for the very courteous manner in which they had unanimously tendered him its privileges, during his brief stay in the city. As a citizen of the State he was proud of his Indiana citizenship, and proud of this representative body, (so universally spoken of here in the highest terms of praise), which has the guarding of its interest in its hands.

In visiting the Hall of Representatives, he was reminded of the incident in his early public career, when he sat there as a member of the State Constitutional Convention. Many who met with him there had, both before and since, filled important positions in the political history of the State, have passed away, but many of them still remain. Among those he instanced Judge Petit, of the Supreme Court, at that time a conspicuous leader in the then dominant Democratic party; Mr. Hendricks, the Governor elect of the State, between whom and himself the most cordial and friendly relations had existed from their meeting here in that Convention, in 1850, till

the present time; Judge Holman, the Representative in Congress from the Third District; Judge Biddle, Robert Dale Owen, Judge Dunn, Mr. Newman, General Dunn, and others.

The predictions so freely made at the time that Convention was engaged in its deliberations, that by their action the members were digging their political graves, had, happily, so far as many were concerned, not been realized, as many of them had been prominently connected with public affairs since.

Many provisions engrafted in our State Constitution by that Convention the State has since outgrown, and many others were then considered novel. He was glad to be able to say that many of the reforms then adopted, were afterwards copied by older States. Especially worthy of mention in this connection, was the clause prohibiting special legislation, and requiring all corporate bodies to be formed under the provisions of general laws, so that the rights of the poor might be guarded, and special privileges and rights denied to the rich and powerful. Though the Constitution adopted by that body, was at the time an honor to the State, she has since, in many respects, outgrown it.

It would be remembered by many of those present that a few years previously, at the time referred to by him in the Senate yesterday, when in 1843 he commenced public life here as a reporter, the State was almost bankrupt, although now happily free from debt, growing and prosperous. But even at that darkest hour in her history, when scarcely able to raise the means necessary to defray the current expenses of her government, when she was compelled to issue scrip which was hawked about the State at a heavy discount, even then the Legislature relying upon the great heart of the people, had levied taxes for the establishment of benevolent institutions, where those whose minds had been overthrown could be ministered unto, where the blind could be made to almost see, and the dumb to almost speak; and, although the State, in her poverty, was then almost a by-word, her people without distinction of party, had indorsed this action of the Legislature, and no taxes have been more cheerfully paid then and since. He believed that noble and philanthropic action had brought God's blessing with it, and to it might be attributed, in great measure, the subsequent prosperity of the State. For State or citizen, receiving the "blessings of those who are ready to perish," will surely receive an abundant reward.

As citizens of Indiana, we were more interested in the development of her great resources, the advancement of her material pros-

perity, and her progress in all that is wise and just, than in mere questions of party triumph, and he had high hopes that their deliberations would tend to these results. Invoking the blessing of Him who holds in his hands the destinies of States and nations, upon their deliberations, and again thanking them for the courtesy shown him, Mr. Colfax closed amidst the applause of the members.

On calling the House to order,

The bill introduced by Mr. Branham was read a first time and referred to the committee on railroads.

Mr. Branham introduced

House Bill No. 71. An act to amend section 60 of "An act entitled an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 4th, 1867.

Which was read a first time and referred to the committee on corporations.

Mr. Branham introduced

House Bill No. 72. An act relating to Criminal Circuit Courts, and to create the Twenty-ninth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney therein, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of action thereto.

Which was read a first time and referred to the committee on organization of courts.

Mr. Branham presented a petition from sundry citizens of Jefferson county in relation to the organization of a Criminal Court in said county.

Mr. Woollen offered the following resolution :

WHEREAS, His Excellency the Governor, has not taken, since the 1st of January last, any compensation under the law, approved

February 25th, 1845, providing a residence for the Governor of the State, and to make him an allowance in lieu thereof, until the same is provided, therefore,

Resolved, That the committee on the Judiciary be directed to report to this House whatever bill is necessary to enable His Excellency to draw such compensation from said 1st day of January last to the expiration of the term of his office.

Which was adopted.

Mr. Wilson, of Ripley, introduced

House Bill No. 73. An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery.

Which was read a first time.

Mr. Wood introduced

House Bill No. 74. An act to amend section 90 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Glazebrook presented a petition from sundry citizens of Starke county, asking for the repeal of draining acts.

Which was referred to the committee on swamp lands.

Mr. Edwards, of Lawrence, offered the following resolution:

Resolved, That the certificates of election of the several members be referred to the committee on election.

Which was adopted.

Mr. King offered the following resolution:

Resolved, That three thousand copies of the annual reports of the trustees of each of the following named institutions for the year

ending October 31, 1872, be printed for the use of this House, including one thousand copies for distribution, respectively, to-wit: The Hospital for the Insane, the Institute for the Blind, and the House Refuge. Authority for printing reports of the Institution for the Deaf and Dumb is now provided by law.

Which was adopted.

Mr. Hardesty introduced

House Bill No. 75. A bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana.

Which was read a first time, and referred to the committee on corporations.

Mr. Strange introduced

House Bill No. 76. An act to amend an act entitled "An act to enable owners of wet lands to drain und reclaim them, where the same can not be done without affecting the land of others, and prescribing the powers and duties of county boards and county auditors in the premises, and repealing all laws inconsistent therewith," approved March 11, 1867, by amending sections one (1,) three (3,) four (4,) six (6,) nine (9,) eleven (11,) twelve (12.)

Which was read a first time, and referred to the committee on swamp lands.

Mr. Woodard introduced

House Bill No. 77. An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due at a named place, or who promises to deliver personal property, or perform any other act in relation thereto at a named place, providing for the enforcement of such contracts before justices of the peace of the township in which such place is situated, service of process, limitation of jurisdiction of the justice as to amount, repealing all laws in conflict with same, and declaring an emergency.

Which was read a first time and

Referred to the committee on the judiciary.

Mr. Smith introduced

House Bill No. 78. An act to amend section ten of an act entitled, "An act to provide for the erection of a new prison north of the National Road, election of officers therefor, making an appropriation, and for the regulation of the same," approved March 5, 1859.

Which was read a first time and

Referred to the committee on fees and salaries.

Mr. Glasgow introduced

House Bill No. 79. An act entitled, "An act to amend section six, ten and twenty of an act entitled an act to amend an act providing for the election and appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers relating thereto," approved December 20, 1863.

Which was read a first time and

Referred to the committee on roads.

Mr. Hollingsworth introduced

House Bill No. 80. An act to prevent the spread of the thistle common to this country, and prescribing penalties for suffering the same to mature upon farms, out-lands and highways.

Which was read a first time and

Referred to the committee on agriculture.

Mr. Walker introduced

House Bill No. 81. An act to amend sections two, three, four and six, of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation, approved, March 2, 1855, and to amend section two of an act amendatory of said act, approved, December 18, 1865, and to amend section two of an act amendatory of an act, approved, February 24, 1869.

Which was read a first time and referred to the committee on the organization of courts.

The following message was received from the Senate, by the Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has passed the following concurrent resolution, to wit :

Resolved by the Senate, the House of Representatives concurring,
That this General Assembly of the State of Indiana, will, on the second Tuesday after the meeting and organization thereof, to wit :

On Tuesday, November 26, 1872, at twelve o'clock meridian, of said day, by a *viva voce* of each member present of each house of this General Assembly, proceed to elect a Senator in Congress to represent the State of Indiana in Congress, whose term of office shall commence at the expiration of the present term of office of Senator Morton, a copy of the same is hereby transmitted to the House.

Mr. Woodard moved to suspend the regular order of business and take up the concurrent resolution of the Senate upon the subject of the election of United States Senator.

Which motion prevailed.

The question being, shall the concurrent resolution be concurred in?

Those who voted in the affirmative were, Messrs.

Anderson,	Claypool,	Gifford,
Baker,	Cline,	Given,
Baxter,	Coffman,	Glazebrook,
Billingsley,	Cobb,	Goble,
Bowser,	Cole,	Goudie,
Blocher,	Cowgill,	Gregory,
Branham,	Crumpacker,	Gronendyke,
Brett,	Durham,	Hardesty,
Butts,	Eaton,	Hatch,
Butterworth,	Edwards, of Lawrence,	Heller,
Broadus,	Ellsworth,	Hendrick,
Cauthorn,	Eward,	Hollingsworth,
Clark,	Furnas,	Hoyer,

Isenhaur,	Reeder,	Thompson, of Spencer'
Johnson,	Reno,	Thompson, of Elkhart,
King,	Reeves,	Thayer,
Kirkpatrick,	Riggs,	Troutman,
Lenfesty,	Richardson,	Tulley,
Lee,	Rumsey,	Walker,
Martin,	Satterwhite,	Wilson, of Ripley,
Melletts,	Schmuck,	Wilson, of Jay,
Miller,	Scott,	Willard,
McKinney,	Shirley,	Wesner,
McConnell,	Smith,	Wolfen,
North,	Spellman,	Woollen,
Odle,	Stanley,	Wood,
Offutt,	Shutt,	Woodard,
Ogden,	Strange,	Whitworth,
Peed,	Teter,	Wynn,
Prentiss,	Tingley,	Mr. Speaker—91.
Pfrimmer,		

Mr. Barrett voting in the negative.

So the concurrent resolution was adopted.

The following message was received from the Senate, by the Clerk thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed House Bill, to-wit:

An act appropriating seventy-five thousand dollars to defray the expenses of the special session of 1872, of the General Assembly the State of Indiana, and the same is herewith transmitted to the House.

On motion, of Mr. Walker,

Messrs. Miller and Shirley were added to the committee on the judiciary.

Mr. Ogden was granted leave of absence until Friday.

On motion,

The House adjourned until 9 o'clock to-morrow morning.

THURSDAY MORNING.

NOVEMBER 21, 1872, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when

On motion,

The further reading of the Journal was dispensed with.

Mr. McConnell was granted leave of absence for one day.

The Speaker announced the following special committee on the resolution of Mr. Richardson, on the subject of the suit of John D. Evans and William Dunkle, executors of Samuel Grimes, late of Carroll county, deceased: Messrs. Gregory, Ellsworth, Henderson Billingsly and Edward.

REPORTS FROM STANDING COMMITTEES.

Mr. Walker, chairman of the committee on the judiciary, made the following report:

MR. SPEAKER:

Your committee on the judiciary to whom was referred House Bill No. 27 entitled an act concerning interests on judgments, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Which report was concurred in.

H. J.—8

Mr. Shirley, from the committee on the judiciary, made the following report:

The committee on the judiciary, having had under consideration House Bill No. 15, an act to amend section 70 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, have directed me to report the same back to the House with the recommendation that the same be passed.

Which report was concurred in.

Mr. Wilson, of Ripley, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 7, introduced by Mr. Given, entitled, "An act providing that Justices of the Peace shall have exclusive jurisdiction in certain cases of misdemeanors, and repealing all acts in conflict with this act," have had the same under consideration, and instructed me to report the same back to the House, with the following amendments, viz.: Insert the word "original" before the word "jurisdiction" in the first section of said act, and also before the word "jurisdiction" in the title to said act, and when so amended, said committee recommend that the same do pass.

Which report was concurred in.

Mr. Miller, from the committee on the judiciary, submitted the following report:

MR. SPEAKER.

The committee on the judiciary, to whom was referred House Bill No. 18, entitled "An act to amend the thirteenth section of an act in relation to county treasurers," approved, June 4, 1852, have had the same under consideration, and direct me to report it back to the House with the recommendation that the same be indefinitely postponed; your committee being of the opinion that the present law is sufficient.

Report concurred in, and bill indefinitely postponed.

Mr. Cauthorn, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. 26, entitled "An act to amend section nine of an act, entitled 'An act providing for the election of Justices of the Peace, etc.,'" approved, June 9, 1852, have had the same under consideration, and have instructed me to report the bill back to the House, with the following amendment, to wit : To section nine, as amended, add the following, viz.: "*Provided*, That all suits shall be brought in the township where the defendants, or one of them, resides, or in the township where the debt was contracted, or the contract made," and when so amended, the committee recommend that the bill do pass.

Which was concurred in.

Mr. Lenfesty, chairman of the committee on federal relations, submitted the following report :

The standing committee on federal relations, to which was referred Joint Resolution No. 3, instructing our Senators and requesting our Representatives in Congress to use their influence in securing a law, equalizing bounties, have instructed me their chairman, to report the same back to the House without amendment and with a recommendation that the same pass.

Which was read a first time, and ordered to be engrossed.

Mr. Butterwerth, chairman of the committee on swamp lands, submitted the following report :

MR. SPEAKER :

The committee on swamp lands, to which was referred House Bill No. 3, entitled, "An act to repeal an act for the construction of levees, dykes and drains, by incorporated companies and associations, which act took effect May 22, 1869; and also to repeal an act supplemental thereto, approved February 23, 1871, have had the same under consideration, and report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill was read a second time, and ordered to be engrossed.

Mr. Gifford, chairman of committee on cities and towns, submitted the following report:

The committee on cities and towns, report back House Bill No. 9, with a recommendation that it lie on the table.

Which was concurred in.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee respectfully ask leave to report that at their meeting, held November 20, 1872, the following preamble and resolution were unanimously adopted:

WHEREAS, Their Honors, the Judges of the Supreme Court, in their communications of November 15, 1872, kindly tendered this committee the use of their consultation rooms, with light, fuel, etc., and also the use of the law library of the Supreme Court; and,

WHEREAS, by accepting the kind offer of their Honors, this committee is provided with comfortable, commodious and elegant accommodations; therefore,

Resolved, That for the kindness, consideration, and generosity of their Honors, the Judges of the Supreme Court, we hereby tender them the sincere thanks of this committee.

Resolved, That the Secretary of this committee present a copy of these resolutions to their Honors, the Judges of Supreme Court.

Which was concurred in.

Mr. Cobb, chairman of the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

The committee on enrolled bills, to whom was referred Enrolled Act of the House of Representatives No. 33, entitled "An act

appropriating seventy-five thousand dollars to defray the expenses of the special session of 1872, of the General Assembly of the State of Indiana," have carefully compared the same with the engrossed copy, and in all things find the same properly enrolled.

Which report was concurred in.

Mr. Furnas, chairman of the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture to whom was referred House Bill No. 8, being a bill to prevent hunting and shooting on grounds without consent of the owner or occupant thereof, and providing a penalty for the violation of the same, have had said bill under consideration, and recommend that it be put upon its passage.

Mr. Cauthorn offered the following amendment:

That the bill be recommitted to the committee on rights and privileges, with instructions to so amend the bill that the complaint shall be made by the owner of the property.

Mr. Willard offered the following amendment to the amendment:

That the bill be so amended as to make provision that the person to take advantage of this bill shall post up a notice that no hunting is allowed on such land.

Mr. Lenfesty moved to lay the amendment to the amendment on the table.

Which motion prevailed.

Mr. Lenfesty moved to lay the motion on the table.

Which motion prevailed.

The question being, shall the report of the committee be concurred in?

It was so ordered.

Mr. Henderson presented two petitions from sundry citizens of

St. Joseph county, praying for the repeal of the odious provisions of the draining laws.

Which petitions were referred to the committee on swamp lands.

Mr. Furnas, chairman of the committee on agriculture, submitted the following report:

MR. SPEAKER:

Your committee on agriculture, to whom was referred House Bill No. 44, being a bill to repeal the tax on dogs, have had the same under consideration, and direct me to return the same and recommend that it be indefinitely postponed.

INTRODUCTION OF BILLS, PETITIONS, AND RESOLUTIONS.

Mr. Heller offered the following resolution:

Resolved, That one copy each of the Journal and Sentinel be furnished the members unfolded.

Which was adopted.

Mr. Barrett introduced

House Bill No. 82. An act to repeal an act, entitled "An act providing for the protection^{of} fish, and prescribing penalties."

Which was read a first time and

Referred to the committee on rights and privileges.

Mr. Gifford introduced

House Bill No. 83. A bill for an act providing for the health and safety of persons employed in the coal mines of Indiana.

Which was read a first time and

Referred to the following select committee: Messrs. Gifford, Schmuck, Lee, Woodward, and Coffman.

Mr. Given introduced

House Bill No. 84. An act to provide for the assessment and collection of taxes on the gross amount of premiums received by any foreign insurance company doing life, fire, river, or marine insurance in this State, and providing penalties for the violation thereof.

Which was read a first time and

Referred to the committee on insurance.

Mr. Miller offered the following resolution :

WHEREAS, A joint resolution was passed by this House January 26, 1871, directing his Excellency the Governor, to take charge of a suit, then pending in the Putnam Circuit Court, upon the information of John C. Robinson, Prosecuting Attorney, vs. the Terre Haute and Indianapolis Railroad Company, for the recovery of a sum of money due the State, in trust for the School Fund, for an amount said to exceed one million dollars ; and,

WHEREAS, The printed Journal of the Senate does not show that said resolution was ever transmitted to or acted upon by said body, and this House has received no information as to the result of such litigation ; be it, therefore,

Resolved, That his Excellency, the Governor, is hereby respectfully requested at his earliest convenience to inform this House what steps he has taken, if any, in reference to such litigation, together with all information in his possession in relation thereto ; and what litigation, if any, is necessary to enable the State to recover such sum as may be due such School Fund from said road.

Which was adopted.

Mr. Miller introduced

House Bill No. 85. An act to amend section ten (10) and eleven (11) of an act, entitled " An act, regulating the granting of divorces, nullification of marriages and decrees and orders of Court incident thereto," approved May 13, 1852.

Which was read a first time and

Referred to the committee on the judiciary.

Mr. Mellett introduced

House Bill No. 86. An act for the protection of certain birds therein named and their eggs, and affixing a penalty for its violation.

Which was read a first time and

Referred to the committee on agriculture.

Mr. Mellett introduced

House Bill No. 87. An act to amend an act entitled, "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

Which was read a first time and

Referred to the committee on education.

Mr. Thompson, of Elkhart, presented a petition from sundry citizens of St. Joseph county, praying the repeal of the draining laws.

Which was referred to the committee on swamp lands.

Mr. Lenfesty introduced

House Bill No. 88. An act to provide for the registration of births, marriages and deaths in the State of Indiana.

Which was read a first time and

Referred to the committee on statistics and emigration.

Mr. Isenhaur introduced

House Bill No. 89. An act to amend sections forty-nine and eighty-seven of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Which was read a first time and

Referred to the committee on the judiciary.

Mr. Lenfesty presented a petition from sundry citizens of the State praying for the passage of a law providing for the correct registration and permanent record of marriages, births and deaths, occurring in the State.

Which was referred to the committee on statistics and emigration.

Mr. Ramsey introduced

House Bill No. 90. An act touching public square in towns laid out, platted and recorded, with public grounds not specifically dedicated, and the matters therewith connected.

Which was read a first time and

Referred to the committee on rights and privileges.

Mr. Cobb introduced

House Bill No. 91. An act to amend an act, entitled "An act concerning Promisory Notes and Bills of Exchange," approved May 12, 1852, and an act, entitled "An act, concerning Promisory Notes, Bills of Exchange, Bonds or other instruments of writing signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific articles, or to convey property, or to perform any stipulations therein mentioned, and repealing all laws in conflict therewith," approved March 11, 1861.

Which was read first time and

Referred to the committee on the judiciary.

Mr. Baxter presented a memorial of the Indiana Yearly Meeting of the Religious Society of Friends, in relation to matters connected with the subject of prison reform.

Which was referred to the committee on reformatory institutions.

Mr. Baxter introduced

House Bill No. 92. An act to amend an act, entitled "An act, to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1867, and repealing section eleven (11) of said act.

Which was read a first time and

Referred to the committee on benevolent institutions.

Mr. Baxter introduced

House Bill No. 93. An act to amend section sixteen of "An act to enable persons whose wives are insane to convey real estate," approved March 2, 1857.

Which was read a first time and

Referred to the committee on the judiciary.

Mr. Wynn introduced

House Bill No. 94. An act to divide the State of Indiana into Congressional Districts.

Mr. Wynn moved to lay the bill on the table, and that two hundred copies of the same be printed.

Which motion did not prevail.

Mr. Wynn moved to lay the bill on the table.

Which motion did not prevail.

The bill was read a first time, and referred to the committee on elections.

Mr. Branham offered the following concurrent resolution :

WHEREAS, A bill is now pending in the Congress of the United States, for the division of the District of Indiana into two judicial districts, creating a new district of that portion of the State lying south of the counties of Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Parke and Vermillion, and,

WHEREAS, The public interest do not require a new district in this State, as the amount of business is not greater than can be readily disposed of by the present judicial force, and the multiplication of districts greatly increases the expenses of the general government, and the burdens of the public; and,

WHEREAS, The proposed new district, so far as the great body of the people within its limits are concerned, will occasion great inconvenience by compelling parties, witnesses, jurors and counsel to travel a much greater distance than now, by a circuitous route, and at greatly increased expense; therefore, be it

Resolved, By the Senate and House of Representatives of the General Assembly of the State of Indiana, that our Senators be instructed, and our Representatives in Congress be requested, to oppose the passage of any such bill.

That the Governor be requested to cause copies of this joint resolution to be certified to the said Senators and Representatives.

Which was concurred in.

Mr. Cauthorn offered the following resolution :

Resolved, That the Senate be respectfully requested to so amend the concurrent resolution adopted by them on yesterday, on the subject of electing a United States Senator, as to indicate that the said election shall be conducted in conformity with the act of Congress on the subject.

Which was adopted.

Mr. Cauthorn introduced

House Bill No. 95. An act authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.

Which was read a first time, and referred to the committee on cities and towns.

Mr. Teeter presented a petition from sundry citizens of LaPorte county, praying a repeal of the odious provisions of the draining laws.

Which was referred to the committee on swamp lands.

Mr. Edwards, of Lawrence, introduced

House Bill No. 96. An act to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12th, 1867, and declaring an emergency.

Which was read a first time and referred to the committee on railroads.

Mr. Billingsley introduced

House Bill No. 97. An act to amend the forty-seventh section of an act entitled "An act to provide for the opening, vacating and change of highways."

Which was read a first time and referred to the committee on roads.

Mr. Johnson introduced

House Bill No. 98. An act to make certain specific appropriations therein mentioned.

Which was read a first time and referred to the committee on ways and means.

Mr. King offered the following concurrent resolution:

Be it resolved by the House of Representatives, the Senate concurring therein; First, That the wardens and directors of the State prisons be, and they are hereby directed and instructed not to extend the time of the present contracts for the labor of convicts, nor to make any new contracts extending for a longer time than those now in force, until after the adjournment of the regular session of this General Assembly.

2. *Resolved, That the standing committees of the Senate and House of Representatives on the State Prisons be, and they are hereby instructed to meet together as a joint committee, and as such joint committee, they are hereby instructed to consider the necessity of establishing a system of graded prisons, and that they report thereon by bill or otherwise.*

Which was adopted.

Mr. King introduced

House Bill No. 99. An act to authorize incorporated cities containing a population of thirty thousand or over, to effect loans and to issue bonds.

Which was read a first time, and referred to the committee on cities and towns.

Mr. King introduced

House Bill No. 100. An act relative to the laying out, opening, widening, altering and vacation of streets, alleys, and highways, and for changing or altering of water courses by the cities of this State, and providing for the appointment of commissioners to assess benefits and damages, prescribing their duties and the method of procedure, and providing for the collection of benefits and payment of damages, and prescribing the duties of city officers in relation thereto, and providing remedies in such matters.

Which was read a first time and referred to the committee on cities and towns.

Mr. Satterwhite introduced

House Bill No. 101. An act to protect the citizens of the State of Indiana from empiricism, and elevate the standing of the medical profession.

Which was read a first time and referred to the committee on rights and privileges.

Mr. Shirley introduced

House Bill No. 102. An act requiring judges having jurisdiction over probate matters in their respective counties, to examine annually as to the solvency of the bonds of executors, administrators and guardians, and authorizing and requiring said judges in certain cases to require said executors, administrators and guardians to execute additional bonds, and prescribing the duties of the clerk of said probate court therein,

Which was read a first time, and referred to the committee on the judiciary.

Mr. Reeves offered the following resolution ;

Resolved, That the committee on roads be authorized to employ a person in the capacity of clerk and janitor to said committee, to

be retained so long as in the judgment of such committee his services may be necessary.

Which was not adopted.

Mr. Tingley introduced

House Bill No. 103. An act to amend sections one, seven, and eight of an act to establish a house for the maintenance of sick and disabled Indiana soldiers and seamen and their orphans and widows," approved March 11, 1867, and section two, of an act supplementary thereto, approved May 14, 1869.

Which was read a first time, and referred to the committee on scientific and benevolent institutions.

Mr. Butts offered the following resolution :

Resolved, That the committee on education be requested to inquire into the propriety of electing three directors to each school district instead of one, whose duty shall be to select and employ the teacher, dismiss the same if necessary, and report by bill or otherwise.

Which was adopted.

Mr. Hollingsworth offered the following resolution :

WHEREAS, This House passed a resolution that on the assembling of the House each day there be a time not to exceed ten minutes devoted to divine worship; therefore,

Resolved, That the Speaker, immediately after calling the House to order each morning, announce that a time not to exceed ten minutes will be observed for divine worship; and further,

Resolved, That in the absence of special provisions, any one present feeling it to be his duty to offer vocal prayer, will be at liberty to do so.

Which was adopted.

Mr. Wolflin offered the following resolution :

Resolved, That each member of the House be supplied with a printed copy of the regular standing committees appointed by the Speaker.

Which was adopted.

Mr. Barker was granted an indefinite leave of absence.

On motion,

The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING.

NOVEMBER 22, 1872, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the Chair.

Prayer was offered by the Rev. H. A. Edson, of the Second Presbyterian Church of Indianapolis.

The Journal of yesterday was read in part, when

On motion,

The further reading was dispensed with.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House, that the President of the Senate has signed enrolled House Act No. 33, to wit: An act appropriating seventy-five thousand dollars to defray the expenses of the special session of 1872 of the General Assembly of the State of Indiana, and the same is hereby returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following concurrent resolutions of the House, to wit:

Resolved, By the House of Representatives, the Senate concurring

therein, that there be printed, in pamphlet form, eight thousand copies of his Excellency Governor Baker's message; fifteen hundred copies thereof shall be printed in the German language, and that one thousand copies of said message be delivered to the Governor for his own use and the remainder thereof be distributed pro rata among the members of the General Assembly for circulation.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following resolutions, to wit:

Joint Resolution No. 5. WHEREAS, A bill is now pending in the Congress of the United States, for the division of the District of Indiana into two Judicial Districts, creating a new district of that portion of the State lying south of the counties of Wayne, Henry, Hancock, Marion, Hendricks, Putnam, Parke and Vermillion; and

WHEREAS, The public interests do not require a new district in this State, as the amount of business is not greater than can readily be disposed of by the present judicial force, and the multiplication of district greatly increases the expenses of the general government and the burdens of the public; and

WHEREAS, The proposed new district, so far as the great body of the people within its limits are concerned, will occasion great inconvenience, by compelling parties, witnesses, jurors and counsel, to travel a much greater distance than now, by a circuitous route, and at greatly increased expense, therefore

Be it resolved, by the Senate and House of Representatives of the General Assembly of the State of Indiana, That our Senators be instructed, and our Representatives in Congress be requested, to oppose the passage of any such bill. Second, that the Governor be requested to cause copies of this joint resolution to be certified to the said Senators and Representatives. With the following title as an amendment, to wit:*

A joint resolution instructing our Senators, and requesting our Representatives to vote against any measure in Congress to divide

the State into two or more Judicial Districts, and respectfully recommend that it be adopted as a joint resolution.

The following message was received from the Senate, by the Secretary thereof:

I am also directed by the Senate to inform the House, that the Senate adopted the following concurrent resolution of the House, to wit:

CONCURRENT RESOLUTION RELATING TO THE STATE PRISONS.

1. *Be it Resolved*, By the House of Representatives, the Senate concurring herein: That the Wardens and Directors of the State Prisons be and the same are hereby directed and instructed not to extend the time of the present contracts for the labor of the convicts, nor to make any new contracts extending for a longer time than those now in force, until after the adjournment of the regular session of this General Assembly.

2. *Resolved*, That the standing committees of the Senate and House of Representatives, be and they are hereby instructed to meet together as a joint committee, and as such joint committee they are hereby instructed to consider the necessity and propriety of establishing a system of graded prisons, and that they report therein by bill or otherwise.

Mr. Dial, (Stephen D.), presented his certificate of election, and was sworn into office and granted indefinite leave of absence on account of sickness in his family.

Mr. McKinney was granted leave of absence until Monday.

Mr. Barrett was granted leave of absence until Tuesday next.

REPORTS FROM STANDING COMMITTEES.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report:

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 34, entitled an act providing the number of petit jurors necessary to find a verdict in civil and criminal cases in the State of Indiana, have had the same under consideration, and have directed me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report:

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 65, entitled "An act to authorize prosecuting attorneys of circuit courts to prosecute the pleas of the State in justices' courts within the counties of their respective circuits, and regulate their fees for such prosecution in said courts," have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it lie on the table.

Which was concurred in.

Mr. Miller, from the committee on the judiciary, submitted the following report:

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. 77, entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, at a named place, or who promises to deliver personal property, or perform any other act in relation thereto, at a named place provided for the enforcement of such contracts before justices of the peace of the township in which such place is situated; service of process; limitation of jurisdiction of justices as to amount; repealing all laws in conflict with the same, and declaring an emergency," have had the same under consideration and direct me to report the

same back to this House, with the recommendation that it be in definitely postponed.

Which was concurred in.

Mr. Cauthorn, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. 12, entitled, "An act to exempt two months wages or salary from garnishee process and foreign attachment," have instructed me to report the bill back to the House, with the recommendation that the bill be indefinitely postponed.

Which was concurred in.

Mr. Ogden, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. 19, entitled "An act to enable husband and wife, or either of them, to be a witness for or against the other, or on behalf of any party, in certain cases," have had the same under consideration and recommend that the same be indefinitely postponed.

Which was concurred in.

Mr. Wilson, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 43, entitled "An act to repeal an act providing for the redemption of real property or any interest therein sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances and repeal in all laws in conflict therewith," approved June 4th, 1861, have had the same under consideration, and instruct me to report the same back to the House with the following amendment, viz.:

Strike out the proviso in said act and insert in place thereof the following: "*Provided*, however, that the provisions of this act shall not effect or apply to sales made or to be made on judgments or decrees rendered on contracts existing at the time this act takes effect," and when the same is so amended said committee recommend that it pass.

Which report was concurred in, amendment adopted and the bill read a second time and ordered engrossed.

Mr. Johuson, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred House Bill No. 40, entitled a bill to repeal an act entitled "An act providing for the redemption of real property or any interest therein sold on execution or order of sale, and providing for the issuing of certificate of purchase in such case, and for the execution of conveyances and repealing all laws in conflict therewith," have instructed me to report that they have fully considered said bill and the same is herewith returned to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Buskirk, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary submit the following report to the House: That said committee has had under consideration House Bill No. 28, entitled "An act defining and extending the jurisdiction of Common Pleas Courts in civil cases," and now report said bill back to the House with the recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Hoyer, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House Bill No. 81, have had the same under consideration, and instruct me to report the same back to the House, with a recommendation that it pass.

Which report was concurred in, and the bill read a second time, and ordered to be engrossed.

Mr. Offutt, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House Bill No. 49, an act creating the Twenty-second Judicial Circuit of the State of Indiana, and fixing the time of holding Circuit Courts therein, introduced by Mr. Cowgill, of Wabash, have had the same under consideration, and direct me to report the same back to the House, with a recommendation that the same pass without amendment.

Which was concurred in, and the the bill was read a second time, and ordered to be engrossed.

Mr. Glasgow, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on organization of courts of justice, to whom was referred House Bill No. 72, entitled "An act in relation to Criminal Circuit Courts, and to create the Twenty-ninth Judicial Circuit, providing for the appointment and election of a Judge and Prosecuting Attorney, and providing compensation therefor, declaring the jurisdiction of said court, and providing for transfer of actions thereto," have had the same under consideration, and herewith report the same back, with a recommendation that it pass.

Which was concurred in, and the bill was read a second time, and ordered to be engrossed.

Mr. Cowgill, from the committee on the organization of courts, submitted the following report :

MR. SPEAKER :

Your committee on organization of courts, to whom was referred House Bill No. 66, entitled "An act to amend section 207 of the Practice Act," have had the same under consideration, and would respectfully recommend that the bill be indefinitely postponed.

Which was concurred in.

Mr. Given, from the committee on education, submitted the following report :

MR. SPEAKER :

The committee on education to whom was referred House Bill No. 37, to authorize an appropriation of eight thousand dollars to the debts contracted by the trustees of the Indiana University in paying the necessary expenses of conducting the same, report the same back, without recommending its passage.

Which was concurred in and the

Bill was read a second time and ordered to be engrossed.

Mr. Cauthorn moved to refer House Bill No. 8 back to the committee on agriculture, with the instruction that the committee incorporate the amendment offered by that gentleman on yesterday.

Which motion prevailed.

Mr. Claypool, from the committee on county and township business, submitted the following report

MR. SPEAKER :

The committee on county and township business to was referred House Bill No. 69, an act, entitled, "An act in relation to the settlement of supervisors of highways, with township trustees defining the time for settlement, have had the same under consideration and have directed me to reported the same back with the recommendation that it pass.

Which report was concurred in, and the bill read a second time, and ordered to be engrossed.

Mr. Cowgill, chairman of the committee on mileage and accounts, submitted a report, which was referred back to said committee for further correction.

Mr. Gifford, chairman of the committee on cities and towns, submitted the following report :

The committee on cities and towns report that they have had under consideration House Bill No. 95, "An act authorizing cities and towns incorporated under the authority of the State of Indiana to make and adopt a survey and plat thereof, etc," and the committee respectfully recommend that the same be ordered to be engrossed.

Which was concurred in and the bill was read a second time and ordered to be engrossed.

Mr. Willard, from the committee on cities and towns, submitted the following report :

The committee on cities and towns report that they have carefully examined the provisions of House Bill No. 99 entitled, "An act to authorize incorporated cities containing a population of thirty thousand or over to make loans and issue bonds," and the committee respectfully recommend that the bill be amended by the insertion of the words "ten thousand" in the place of the words "thirty thousand" where ever they occur in the title or body of the bill, and the committee further recommend, that with these amendments the bill be ordered to be engrossed.

Which report was concurred in,

The amendments adopted and the Bill was read a second time and ordered to be engrossed.

Mr. Broadus, from the committee on engrossed bills, made the following report :

MR. SPEAKER:

The committee on engrossed bills of the House of Representatives

have compared House Bills Nos. 3, 7, 15, 26 and 27, and find them in all respects properly engrossed.

Mr. Furnas, from the committee on agriculture, submitted the following report.

MR. SPEAKER:

The committee on agriculture, to whom was recommitted House Bill No. 8, with unanimous leave of the House to amend the bill, have had said bill under consideration and have amended the same by adding to section one the following proviso, to wit:

Provided, That no prosecution shall be commenced under the provisions of this act unless the same shall be commenced by the owner or occupant of the premises entered upon.

And when the same is so amended they recommend that the bill do pass.

Which report was concurred in and

The bill was read a second time and ordered to be engrossed.

Mr. Cauthorn moved that House Bill No. 73 be returned to the House without recommendation from the committee.

Which motion prevailed.

Mr. Willard offered the following amendment:

That in place of the words "from and after its passage" in section 2, there be inserted the words "from and after the first day of January, 1873."

Which amendment was laid on the table.

Mr. Cline offered the following amendment.

Amend by striking out eight dollars where it occurs, and insert seven dollars.

Which amendment was laid on the table.

Mr. Willard moved the previous question,

Which on motion prevailed,

And the bill was read a second time and ordered to be engrossed.

The following message was received from the Governor by his Private Secretary, John M. Commons.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed Enrolled Act of the House No. 33, entitled "An act appropriating seventy-five thousand dollars to defray the expenses of the Special Session of 1872, of the General Assembly of the State of Indiana, and that the said act has been deposited in the office of the Secretary of State.

The following communication was received from the Governor by his Private Secretary, John M. Commons.

MR. SPEAKER :

By direction of the Governor, I have the honor to transmit herewith a communication in reply to the resolution of the House, calling for information touching a suit pending in the Putnam Circuit Court against the Terre Haute & Indianapolis Railroad Co., for the recovery of a sum of money alleged to be due to the School Fund of the State from said company.

The following communication was received from the Governor by his Private Secretary, John M. Commons :

Gentlemen of the House of Representatives:

I have the honor to acknowledge the receipt of a copy of a preamble, and resolutions passed by the House of Representatives on the 21st instant, of which the following is a copy, viz :

WHEREAS, A joint resolution was passed by this House, January 26, 1871, directing His Excellency, the Governor, to take charge of a suit then pending in the Putnam Circuit Court, upon the informa-

tion of John C. Robinson, Prosecuting Attorney vs. the Terre Haute & Indianapolis Railroad Company, for the recovery of a sum of money due the State in trust for the School Fund, for an amount said to exceed one million dollars and

WHEREAS, The printed Journal of the Senate does not show that said resolution was ever transmitted to, or acted upon by said body, and this house has received no information as to the result of such litigation, be it therefore

Resolved, That his Excellency the Governor, is hereby respectfully requested at his earliest convenience, to inform this House, what steps he has taken, if any, in reference to such litigation, together with all information in his possession in relation thereto, and what litigation, if any, is necessary to enable the State to recover such sum as may be due such school fund from said road.

In response I beg leave respectfully to state, that no action has been taken by me, under the supposed joint resolution, because it was incomplete and inoperative, for the reason that it never passed the Senate, and more especially because it was never brought to my attention until now, I never knew or heard of any suit having been brought by John C. Robinson, Prosecuting Attorney, against the Terre Haute and Indianapolis Railroad Company, for the recovery of any sum of money due to the State, in trust for the school fund. Mr. Robinson at sometime within the last two years, informed me that he had, as Prosecuting Attorney, filed an information in the Putnam Circuit Court, against the Terre Haute and Indianapolis Railroad Company to procure a judgment, declaring its franchises forfeited on account of an alleged failure to comply with its charter in not paying into the school fund of the State, a certain proportion of its profits or earnings. Mr. Robertson suggested that it might be necessary to take depositions in the case, and wished to learn from me whether I could or would provide the means to pay for the taking of the depositions. I informed him that if he would certify to me in his official capacity, that the interest of the State required that money should be advanced for taking the testimony, I would advance from the contingent fund a reasonable amount for that purpose. Mr. Robinson never afterwards requested the advance, nor did he again speak to me on the subject, and I have no information as to what disposition has been made of the suit. I have never examined the questions involved in the alleged claim of the State, against the railroad com-

pany, and am, therefore, unprepared to give any opinion in relation thereto, and my duties are now so pressing and multifarious as to prevent me from investigating the matter. I trust the legal questions involved will be referred either to the Attorney General or to the judiciary committee of the House.

Respectfully submitted,

CONRAD BAKER,

Governor.

The following communication was received from the Governor, by his Private Secretary, John M. Commons:

MR. SPEAKER:

By the directions of the Governor I have the honor to transmit herewith a communication, accompanied by a memorial of the Bar Association of the State of Indiana:

Gentlemen of the House of Representatives:

In compliance with the request of a committee of the Bar Association of the State of Indiana, I herewith respectfully transmit a memorial of said association in relation to the improvement of the judicial system of this State. I have not had time, myself, to examine the memorial; but the source from which it emanates will secure for it, I feel assured, that careful consideration to which it is entitled.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following joint rules, as adopted by the House, to wit:

1. While bills and joint resolutions are on their passage between the two Houses, they shall be on paper, under the signatures of their clerks, respectively.

2. After a bill or joint resolution shall have passed both Houses,

it shall be duly enrolled on paper, and the Clerk of the House where it originated shall endorse upon the back thereof the House in which it originated, under which he shall place his signature.

3. Every bill, or joint resolution, after being enrolled, shall be examined by the joint committee of enrolled bills, consisting of three from the Senate and six from the House, appointed as a standing committee for that purpose; one of whom, on the part of the Senate, and two from the House, shall be sufficient to act, who shall compare the same with the engrossed bill, and correct errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

4. Every bill or joint resolution reported to have been duly enrolled, shall be signed, first, by the Speaker of the House of Representatives, who shall send the same to the Senate, then by the President of the Senate, after which it shall be presented by joint committee of enrolled bills to the Governor, for his approbation and signature; and the said committee shall report to their respective Houses the day of their presentation; which report shall be entered on the Journal of each House.

5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and the President of the Senate, in their Houses respectively when in session, which shall be carefully noted on the Journals of each House.

6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

7. In every case of an amendment of a bill agreed to in one House, and dissented to in the other. If either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer; such committee shall, at a convenient hour, to be agreed upon by their chairman, meet in the conference chamber, and state to each other, verbally or in writing, as either shall choose, the reason of their respective Houses for or against the amendment, and confer freely thereon, and report to each House their proceedings thereon. A committee of conference shall consist of two members from each House. After

each House shall have adhered to their disagreement, a bill or resolution should be lost.

8. In all cases where the Sergeant-at-arms of one House shall, by reason of official engagement or other cause, be unable to execute the commands or process of the House of which he is an officer, it shall be the duty of the Sergeant-at-arms of the other House, to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

9. The following standing committees on the part of each House shall be appointed to act as joint committees: A standing committee on enrolled bills, to consist of six on the part of the House and three on the part of the Senate; a committee on public buildings, to consist of three members from each House; a committee on State library, to consist of three members from each House; a committee on canal funds, to consist of three members from each House.

10. In all elections which require a distinct and separate vote of each House the voting shall be simultaneous in both houses. No person shall be deemed to be elected in the proper House making such separate choice, unless he receives a majority of all the votes given in such House. Each House shall, as soon as a choice shall be made on such separate voting, forthwith communicate the same to the other House, and if it shall appear that the Houses have concurred in their choice of any or either of the persons so voted for, such person or persons shall be deemed and declared duly elected; but if the Houses do not concur in the choice of each and all the officers to be elected therein, in such case the two Houses shall in like manner forthwith proceed to a second separate choice of the remaining officers so attempted to be elected; but if no concurrence then be had, the two Houses shall in like manner proceed to a third separate choice. If the two Houses shall not have concurred in their third separate choice, the two Houses shall proceed to a joint vote, *instantly*, for the election of such officer or officers, as the two Houses may have failed for want of concurrence, as aforesaid, to elect.

11. In all joint conventions and meetings of the two Houses it shall be incompetent for either House, or the members thereof, or the joint convention, to engage in the transaction of any business other than that for which they were specifically assembled.

12. When a message is sent to the Senate or to the House of Representatives, it shall be announced at the door by the Sergeant-at-Arms, or by the Doorkeeper, and it shall be respectfully communicated to the Chair by the person by whom sent.

13. Messages shall be sent by such persons as the President of the Senate or Speaker of the House may designate for that purpose.

14. No bill that shall have passed one House shall be sent for concurrence to the other on the last two days of the session.

15. When bills, which shall have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

16. No spirituous liquors shall be offered for sale or exhibited within the Capitol or on the public grounds adjacent thereto.

Mr. Gregory, Chairman of special committee, submitted the following report:

MR. SPEAKER:

Your committee, to whom was referred the resolution of the Hon. John S. Richardson, of Carroll county, in reference to the investigation of certain matters relative to the discrepancy of money paid into the State treasury recovered from the executors of Samuel Grimes, deceased, direct me to ask this House to cause to be issued process, under the signature of the Speaker of this House, for the following named persons, to wit: Charles B. Garrett, Deputy Clerk of the Circuit Court of Carroll county, Indiana, and to bring with him a certified copy of the papers and the record in the two cases instituted in said court by the State of Indiana on the relation of John D. Evans, Auditor of the State of Indiana vs. Joseph Evans and William Dunkle, executors of the last will and testament of Samuel Grimes, deceased, in the Circuit Court of Carroll county, Indiana, William Dunkle, Joseph Grimes, Edward B. Daily, Judson Applegate, all of Delphi, Carroll County, Indiana; John D. Evans, ex-Auditor of State, of Indianapolis, Indiana, and John C. Shoemaker, present Auditor of State, and to bring with him a certified copy of the amount paid into his office by Joseph Simms or any

other person, of the money recovered by the State of Indiana from the executors of Samuel Grimes, deceased, late of Carroll county; and that said process be made returnable upon Tuesday, December 3d, 1872, at 2 o'clock P. M., and the above parties are to appear at the time last aforesaid, before said committee at the city of Indianapolis, to answer such questions as may be asked them by said committee, in relation to the money recovered as aforesaid and not accounted for, as appears on record; and that a special messenger be appointed by the Speaker to serve said process and have said persons and papers at the time and place last aforesaid; and that the committee be authorized to secure a clerk for the committee, to take down evidence and other writing for the committee, November 21st, 1872.

Which was concurred in.

Mr. Glazebrook, chairman of the special committee, to whom was referred House Bill No. 32, submitted the following report:

MR. SPEAKER:

The special committee, to whom was referred House Bill No. 32, entitled "An act to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict therewith," having had the same under consideration, direct me to report the same back and recommend that it be put upon its passage.

Which was read a second time.

Mr. Wood moved to suspend the rules and that the bill be considered as engrossed, read a third time and put upon its passage.

The ayes and noes being taken under the constitutional rule.

Those who voted in the affirmative were, Messrs.

Anderson,	Brett,	Claypool,
Barrett,	Buskirk,	Coffman,
Baxter,	Butts,	Cobb,
Billingsley,	Butterworth,	Cole,
Bowser,	Broadus,	Cowgill,
Blocher,	Cauthorn,	Crumpacker,
Branham,	Clark,	Dial,

Durham,	King,	Scott,
Eaton,	Kirkpatrick,	Shirley,
Eward,	Lenfesty,	Smith,
Edwards, of Lawrence,	Lee,	Stanley,
Ellsworth,	Lent,	Shutt,
Fur	Martin,	Strange,
Gifford,	Mellett,	Teter,
Given,	Miller,	Tingley,
Glasgow,	McKinney,	Thompson, of Spencer,
Glazebrook,	McConnell,	Thompson, of Elkhart,
Goble,	North,	Thayer,
Goudie,	Odle,	Troutman,
Gregory,	Offutt,	Tulley,
Gronendyke,	Ogden,	Walker,
Hardesty,	Peed,	Wilson, of Ripley,
Hatch,	Prentiss,	Wilson, of Jay,
Heller,	Pfrimmer,	Willard,
Henderson,	Reeder,	Wesner,
Hendrick,	Reno,	Woollen,
Hollingsworth,	Reeves,	Wood,
Hoyer,	Richardson,	Woodard,
Isenhaur,	Rumsey,	Whitworth,
Johnson,	Satterwhite,	Wynn,
Jones,	Schmuck,	Mr. Speaker—93.

No one voting in the negative, so the rules were suspended.

The bill was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Brett,	Cline,
Baker,	Buskirk,	Coffman,
Barrett,	Butts,	Cobb,
Baxter,	Butterworth,	Cole,
Billingsley,	Broadus,	Cowgill,
Bowser,	Cauthorn,	Crumpacker,
Blocher,	Clark,	Dial,
Branham,	Claypool,	Durham,

Eaton,	Kirkpatrick,	Shirley,
Edwards, of Lawrence,	Lenfesty,	Smith,
Ellsworth,	Lee,	Stanley,
Eward,	Lent,	Shutt,
Furnas,	Martin,	Strange,
Gifford,	Mellett,	Teeter,
Given,	Miller,	Tingley,
Glasgow,	McKinney,	Thompson, of Spencer,
Glazebrook,	McConnell,	Thompson, of Elkhart,
Goble,	North,	Thayer,
Goudie,	Odle,	Trontman,
Gregory,	Offutt,	Tulley,
Gronendyke,	Ogden,	Walker,
Hardesty,	Peed,	Wilson, of Ripley,
Hatch,	Prentiss,	Wilson, of Jay,
Heller,	Pfrimmer,	Willard,
Henderson,	Reeder,	Wesner,
Hedrick,	Reno,	Woollen,
Hollinsworth,	Reeves,	Wood,
Hoyer,	Richardson,	Woodard,
Isenhaur,	Rumsey,	Whitworth,
Johnson,	Satterwhite,	Wynn,
Jones,	Schmuck,	Mr. Speaker—94.
King,		

There being no one voting in the negative.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

Mr. Barrett offered the following resolution :

Resolved, That the committee on education be requested to diligently inquire into the affairs of the Purdue Agricultural College and ascertain what appropriation if any is necessary to complete that institution.

Which was adopted.

Mr. Barrett presented a petition from James F. Dillie in relation to employment by this House.

Which petition was referred to the committee on employes.

Mr. Barrett offered the following resolution :

Resolved, That the officers of this House give employment to James F. Dillie as a page or in the folding department.

Which was referred to the committee on employes.

House Bill No. 3 was read a third time.

Mr. Rumsey offered the following resolution and amendment :

Resolved, That House Bill No. 3 be recommitted to the committee on drains and dykes, with instruction to amend section — as follows :

Resolved, That this shall not effect draining associations organized under this act ; the length of any line of which is twenty miles and under.

Mr. Cline moved to lay the same on the table.

Which motion prevailed.

Mr. Shirley offered the following resolution :

Resolved, That the bill be referred to the judiciary committee with instructions to enquire into the propriety of including a section therein saving any rights that may have vested under the bill.

Which was adopted, and the bill was so referred.

On motion,

The House adjourned until 2 o'clock P. M.

FRIDAY AFTERNOON.

NOVEMBER 22, 1872, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Henderson moved a call of the House.

Those who answered to their names were, Messrs.

Anderson,	Goudie,	Reeves,
Baker,	Gronendyke,	Riggs,
Barrett,	Hardesty,	Richardson,
Baxter,	Hatch,	Rumsey,
Bowser,	Heller,	Satterwhite,
Blocher,	Henderson,	Schmuck,
Branham,	Hendrick,	Scott,
Brett,	Hollingsworth,	Shirley,
Buskirk,	Hoyer,	Smith,
Butterworth,	Isenhaur,	Stanley,
Broadus,	Johnson,	Shutt,
Cauthorn,	Jones,	Strange,
Clark,	King,	Teter,
Claypool,	Kirkpatrick,	Tingley,
Cline,	Lenfesty,	Thompson, of Spencer,
Coffman,	Lee,	Thompson, of Elkhart,
Cobb,	Martin,	Thayer,
Crumpacker,	Mellett,	Troutman,
Dial,	Miller,	Tulley,
Durham,	McKinney,	Walker,
Eaton,	McConnell,	Wilson, of Jay,
Edwards, of Lawrence,	North,	Willard,
Ellsworth,	Odle,	Wesner,
Eward,	Offut,	Wolflin,
Furnas,	Ogden,	Woollen,
Gifford,	Peed,	Wood,
Given,	Prentiss,	Woodard,
Glasgow,	Pfrimmer,	Whitworth,
Glazebrook,	Rudder,	Wynn,
Goble,	Reno,	Mr. Speaker—90.

Mr. King moved to dispense with further proceedings under the call.

Which motion prevailed.

Mr Henderson presented the following statement in relation to House Bill No. 81:

House Bill No. 81. Upon which a favorable report was made this morning by the committee on the organization of courts, whether so intended or not, it will have an important bearing on the question now agitating the people of Wayne county on the removal of the county seat from Centerville to Richmond. As we understand, its provisions are an unfair advantage to the friends of the removal; and, on the part of a great majority of the people opposed, as we believe, to the change, we make this statement, and respectfully ask that the proceedings of this morning be reconsidered and that the whole matter be referred back to the same or some other committee before whom we may appear and discuss with friends of the measure its merits.

GORDON, BROWN & LAMB,
PEELE & FOX,
JULIAN & JULIAN.

Mr. Henderson moved to reconsider the vote ordering the engrossment of House Bill No. 81.

The motion to reconsider was laid upon the table.

House Bill No. 7 was read a third time and put upon its passage

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Butts,	Edwards, of Lawrence,
Barrett,	Butterworth,	Ellsworth,
Baxter,	Broadus,	Eward,
Billingsley,	Cauthorn,	Furnas,
Bowser,	Clark,	Gifford,
Blocher,	Coffman,	Given,
Branham,	Cobb,	Glazebrook,
Brett,	Crumpacker,	Globe,
Buskirk,	Dial,	Goudie,

Gronendyke,	McConnell,	Stanley,
Hardesty,	North,	Shutt,
Hatch,	Odle,	Strange,
Heller,	Offutt,	Tingley,
Hedrick,	Ogden,	Thompson, of Spencer,
Hollinsworth,	Prentiss,	Thompson, of Elkhart,
Hoyer,	Pfrimmer,	Thayer,
Isenhaur,	Rudder,	Walker,
Johnson,	Reno,	Wilson, of Ripley,
Jones,	Reeves,	Wilson, of Jay,
King,	Riggs,	Wesner,
Kirkpatrick,	Richardson,	Wolflin,
Leufesty,	Rumsey,	Woolen,
Lee,	Satterwhite,	Woodard,
Martin,	Scott,	Whitworth,
Melletts,	Shirley,	Wynn,
McKinney	Smith,	Mr. Speaker—79.

Those who voted in the negative were, Messrs.

Baker,	Henderson,	Troutman,
Claypool,	Peed,	Tulley,
Durham,	Schmuck,	Willard,
Eaton,	Teeter,	Wood—13.
Glasgow,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 15 was read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Barrett,	Johnson,	Walker,
Bowser,	Melletts,	Wilson, of Jay,
Butts,	Offutt,	Wesner,
Given,	Schmuck,	Woolen,
Henderson,	Thompson, of Elkhart,	Wood—17.
Hoyer,	Troutman,	

Those who voted in the negative were, Messrs.

Anderson,	Goudie,	Rudder,
Baker,	Gronendyke,	Reno,
Baxter,	Hardesty,	Reeves,
Billingsly,	Hatch,	Riggs,
Branham,	Heller,	Richardson,
Brett,	Hendrick,	Rumsey,
Buskirk,	Hollingsworth,	Satterwhite,
Butterworth,	Isenhaur,	Scott,
Cauthorn,	Jones,	Shirley,
Clark,	King,	Smith,
Claypool,	Kirkpatrick,	Stanley,
Cline,	Lenfesty,	Shutt,
Coffman,	Lec,	Strange,
Cobb,	Lent,	Teter,
Crumpacker,	Martin,	Tingley,
Durham,	Miller,	Thompson, of Spencer,
Edwards, of Lawrence,	McKinney,	Thayer,
Ellsworth,	McConnell,	Tulley,
Eward,	North,	Willard,
Furnas,	Odle,	Wolflin,
Gifford,	Ogden,	Woodard,
Glasgow,	Peed,	Whitworth,
Glazebrook,	Prentiss,	Wynn,
Goble,	Pfrimmer,	Mr. Speaker—72.

So the bill did not pass.

The following message was received from the Governor by his Private Secretary, John M. Commons.

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith a communication accompanied by a statement of the names and number of convicts who have received the benefits of the pardoning power since the first day of January, 1871.

House Bill No. 27 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gronendyke,	Riggs,
Baker,	Hatch,	Richardson,
Barrett,	Heller,	Rumsey,
Baxter,	Hendrick.	Satterwhite,
Billingsly,	Hollingsworth,	Scott,
Bowser,	Isenhaur,	Shirley,
Brett,	Johnson,	Spellman,
Buskirk,	Jones,	Shutt,
Butts,	King,	Strange,
Butterworth,	Kirkpatrick,	Teter,
Broadus,	Lenfesty,	Tingley,
Cauthorn,	Lee,	Thayer,
Clark,	Martin,	Troutman,
Cline,	Miller,	Tulley,
Coffman,	McKinney,	Walker,
Crumpacker,	McConnell,	Wilson, of Ripley,
Durham,	North,	Wilson, of Jay,
Edwards, of Lawrence,	Odle,	Willard,
Ellsworth,	Offutt,	Wesner,
Eward,	Ogden,	Wolfen,
Furnas,	Prentiss,	Woollen,
Glasgow,	Reeder,	Wynn,
Glazebrook,	Reno,	Mr. Speaker—72.
Goble,	Reeves,	
Goudie,		

Those who voted in the negative were, Messrs.

Branham,	Hoyer,	Stanley,
Claypool,	Mellet,	Thompson, of Elkhart,
Cobb,	Peed,	Thompson, of Spencer,
Eaton,	Pfimmer,	Wood,
Given,	Schmuck,	Woodard,
Hardesty,	Smith,	Whitworth—19.
Henderson,		

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

The message from the Governor, in relation to the memorial from the Bar Association, was taken from the Speaker's table.

Mr. Branham moved, that it be laid upon the table, and that three hundred copies of the same be printed,

Which was so ordered.

The message from the Governor in relation to the suit of the Terre Haute Railroad Company, on the relation of John C. Robinson, was taken from the Speaker's table.

Mr. Miller moved, that the message be referred to the committee on the judiciary,

Which motion prevailed, and it was so referred.

The message of the Governor in relation to the number of convicts pardoned since January 1, 1871, to the present time, was taken from the Speaker's table.

Which on motion, was referred to the committee on prisons.

The communication from the Senate, in relation to the House Concurrent Resolution, was taken from the Speaker's table.

On motion of Mr. Branham,

The Senate amendment, to call the concurrent resolution a joint resolution,

Was concurred in.

The question being, shall the joint resolution pass?

The ayes and noes were taken under the Constitutional rule.

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Pfrimmer,
Baker,	Glazebrook,	Rudder,
Barrett,	Goble,	Reno,
Baxter,	Goudie,	Reeves,
Billingsley,	Gronendyke,	Riggs,
Bowser,	Hatch,	Richardson,
Blocher,	Heller,	Rumsey,
Branham,	Henderson,	Schmuck,
Brett,	Hendrick,	Scott,
Buskirk,	Hollingsworth,	Shirley,
Butts,	Hoyer,	Smith,
Butterworth,	Isenhaur,	Stanley,
Broadus,	Johnson,	Shutt,
Cauthorn,	Jones,	Strange,
Clark,	King,	Teter,
Claypool,	Kirkpatrick,	Tingley,
Cline,	Lenfesty,	Thompson, of Elkhart,
Coffman,	Lee,	Thayer,
Cobb,	Lent,	Troutman,
Cole,	Martin,	Tulley,
Cowgill,	Mellett,	Walker,
Crumpacker,	Miller,	Wilson, of Ripley,
Durham,	McKinney,	Willard,
Eaton,	McConnell,	Wesner,
Edwards, of Lawrence,	North,	Wolflin,
Ellsworth,	Odle,	Woollen,
Eward,	Offutt,	Wood,
Furnas,	Ogden,	Whitworth,
Gifford,	Peed,	Wynn,
Given,	Prentiss,	Mr. Speaker—87.

No one voting in the negative.

So the joint resolution passed.

The question being, shall the title as read, stand as the title of the joint resolution?

It was so ordered.

House Bill No. 26 was read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Hollingsworth,	Scott,
Barrett,	Hoyer,	Strange,
Billingsley,	Johnson,	Tingley,
Bowser,	Jones,	Thayer,
Butterworth,	King,	Troutman,
Cawthorn,	Kirkpatrick,	Tulley,
Clark,	Lenfesty,	Walker,
Cline,	Lee,	Wilson, of Ripley,
Coffman,	Martin,	Wilson, of Jay,
Durham,	Millett,	Wesner,
Edwards of Lawrence,	Miller,	Wolflin,
Evard,	North,	Woollen,
Furnas,	Odle,	Wood,
Gifford,	Offutt,	Woodard,
Gronendyke,	Ogden,	Wynn,
Hatch,	Riggs,	Mr. Speaker—49.
Henderson,		

Those who voted in the negative were, Messrs.

Anderson,	Goble,	Reeves,
Baxter,	Goudie,	Richardson,
Branham,	Heller,	Rumsey,
Brett,	Hendrick,	Schmuck,
Buskirk,	Isenhaur,	Shirley,
Broadus,	Lent,	Smith,
Claypool,	McKinney,	Stanley,
Cobb,	McConnell,	Shutt,
Crumpacker,	Peed,	Teter,
Eaton,	Prentiss,	Thompson, of Elkhart.
Ellsworth,	Pfrimmer,	Willard,
Given,	Reeder,	Whitworth—38.
Glazebrook,	Reno,	

So the bill did not pass.

The message from the Senate in relation to concurrent resolution relative to State prisons was taken from the Speaker's table and referred to the committee on prisons.

Mr. Shirley offered the following resolution :

Resolved, That the State Printer be requested to print three hundred maps of the State, showing the location, geographically, of each county, and the number of white male inhabitants above twenty-one years of age, residents therein on day of January, 1872, for the use of Senators and members of this House.

Mr. Cauthorn offered the following amendment:

That the resolution offered by the gentleman from Morgan and Johnson be amended by striking from said resolution the word white.

Which was agreed to.

So the resolution as amended was adopted.

Mr. King offered the following resolution :

Resolved, That members introducing bills or resolutions are requested to note in pencil on the backs of such their desire to be present when such bills or resolutions are considered by committees, to exercise their right under rule No. 66 of this House, and that the chairman of committees having such bills or resolutions in charge are requested to notify such members of the time when such bills or resolutions may be under consideration.

Which was adopted.

Mr. Offutt introduced

House Bill No. 104. An act to amend the seventy-eighth section of an act entitled, "An act to revise, simplify and abridge the rules of practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time and referred to the committee on the organization of courts.

Mr. Wolfin offered the following resolution :

WHEREAS, The records of our Supreme Court, prior to the year 1860 are without any index subsequent to that time, the same is incomplete and deficient, causing great delay and uncertainty in tracing the proceedings and results in the cases sought for, and that

the business has not been systematized to facilitate the researches necessary for the interest and rights of litigants, and a portion of the old files are without the requisite protection from injury and loss; therefore,

Resolved, That the judiciary committee of the House be instructed to inquire into the condition of the records and files of the Supreme Court, and ascertain what is necessary, that the same may be fully indexed and preserved convenient for examination and what further security may be required for the same, and report the proper remedy by bill or otherwise.

Which was adopted.

Mr. Schmuck offered the following joint resolution :

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be, and they are hereby instructed, and our Representatives are requested to use all appropriate and legitimate means to procure an appropriation of two millions of dollars to defray the expenses of surveys, with a view to establish reservoirs in streams at the headquarters of the Ohio river and perfect the system of buoys and lights already commenced in accordance with plans of the United States engineers, and preparatory to completing the improvements of said river.

Resolved, That His Excellency, the Governor, be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Which was referred to the committee on federal relations.

Mr. Pfrimmer offered the following resolution :

Resolved, That two hundred copies of the report of the commissions, appointed by his Excellency, Conrad Baker, to investigate the claims of sufferers by the Morgan Raid be printed for the use of the members of the General Assembly.

Which was not adopted.

Mr. Gifford moved that the House do now adjourn until to-morrow morning at 9 o'clock.

Which motion prevailed.

SATURDAY MORNING.

NOVEMBER 23, 1872, 9 o'clock.

The House met pursuant to adjournment with the Speaker in the chair.

Prayer was offered by the Rev. J. H. Bayless, of the Roberts Park M. E. Church of Indianapolis.

Mr. Woollen, from the committee on judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 5, entitled an act to amend an act, entitled an act to exempt property from sale in certain cases; have had the same under consideration and have decided that the same be reported back to the House with a recommendation that the same be indefinitely postponed.

Mr. Shirley, from the committee on the judiciary, submitted the following minority report :

MR. SPEAKER :

The committee on the judiciary having had under consideration House Bill No. 5, "An act to amend section one (1) of act to exempt property from sale in certain cases," approved February 17, 1852. The undersigned begs leave to submit the following minority report. Believing such legislation is necessary. They recommend that said Bill No. 5 be passed by this House.

W. S. SHIRLEY.

Which reports were laid upon the table until Monday next at 2 o'clock, P. M.

Mr. Thompson, of Elkhart, introduced

House Bill No. 105. A bill to amend section eleven of an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, approved May 20, 1852, providing against the fraudulent sale, assignment, gift or transfer of stock, in said companies, and providing for the assessment of stocks for the payment and liquidation of the debt of said companies.

Which was read a first time and referred to the committee on corporations.

Mr. Clark introduced

House Bill No. 106. An act to amend an act, entitled "An act, providing for the protection of fish, and repealing all laws in conflict with the same, and prescribing penalties for the violation thereof."

Which was read a first time and referred to the committee on rights and privileges.

Mr. Hendrick introduced

House Bill No. 107. An act to amend section one of an act, entitled "An act, providing for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof."

Which was read a first time and referred to the committee on rights and privileges.

Mr. Furnas presented petitions from sundry citizens of Hendricks county, on the subject of temperance.

Which were referred to the committee on temperance.

Mr. Furnas presented petitions from sundry citizens of Hendricks county in relation to hunting laws.

Which were referred to the committee on agriculture.

Mr. Branham offered the following memorial in relation to the Indiana State Normal School :

To the General Assembly of the State of Indiana :

Your memorialists, the Board of Trustees of the Indiana State Normal School, beg leave to lay before the General Assembly the following facts in reference to the condition and wants of the Institution under their charge :

By an act approved December 20th, 1865, the General Assembly established a State Normal School for the preparation of teachers for teaching in the common schools of Indiana, and organized a Board of Trustees into a body corporate for the purpose of putting the same in operation. The Board were required to perfect their organization and open books, to receive from different parts of the State, proposals for donations of ground and buildings, or funds for the procuring of grounds and erection of buildings for said school ; and were directed, without the exercise of any discretion on their part, to locate said school at such place as shall obligate itself for the largest donation, not less than \$50,000. They were further directed to proceed to let a contract, or contracts for the erection of a building necessary for the school. Immediately after the selection of the place of location, all the necessary steps within the means of the Board and required by law, were taken to present the matter properly to the people of the State, and to invite proposals for the location of the school. The result was that the city of Terre Haute offered the largest donation, which amounted to \$50,000 in cash and a large lot near the center of the city, with a seminary building upon it, the value of which was about \$25,000, making an aggregate amount of \$75,000. Upon this proposal having been made, the Board were required by law, to make the location at Terre Haute, and it was accordingly done. The Board proceeded to procure the services of competent architects in the preparation of a plan for the building, and three plans were laid before the Legislature, at its next session, for its selection of that which was the most suitable. The plan preferred by the Board was approved and adopted by the Legislature in an act passed March 8, 1867, and they were required by that act to erect the building according to the design and specifications accompanying it. The Board, therefore, were not left to the exercise of any discretion on that subject, being compelled to

carry out the expressed intention of the Legislature. It was estimated that the building, exclusive of furniture, would cost \$162,608, and for the purpose of erection, an appropriation of \$100,000 was asked; the Legislature appropriated, however, only \$50,000. With the limited means thus placed in the hands of the Board, they progressed as expeditiously and economically as possible with the erection of the building, and in their annual report, December 29th, 1868, reported to the Legislature the progress they had made, and the unfinished condition in which the building was then left, after expending the appropriation made both by the State and city of Terre Haute. In that report it was shown that the existing contracts amounted to \$140,000; that in addition it would require for heating apparatus, grading and enclosing the lot, and for the necessary furniture, the additional sum of \$40,000, making an aggregate of \$180,000. The building has three stories above the basement, and this estimate contemplated only the furnishing of these, leaving the basement incomplete, except as furnishing a residence for the janitor, storage for fuel, etc.

The Legislature then made an appropriation of \$79,000, making the total appropriation by the State \$129,000, the Board deemed it their duty, in order to carry out the intention of the Legislature, to put the school in operation with as little delay as possible, and they did so while the building was yet in an unfinished condition; the upper story not having been completed, and the basement being left in the unfinished condition originally contemplated. It is now deemed advisable to finish the rooms in the basement, so that they may furnish lodging rooms for the students, for which they are well suited, and which will be a large saving in the price of boarding to the pupils, a matter to many of them of assential importance. The school went into operation, January 6, 1870, but under many disadvantages. It was wholly without a library. There was no appropriation for the many things absolutely needed, in order to carry on such an institution. The Board were, therefore, compelled to procure these things, in the best way they could, in order to carry on the school. This they have done, thus far, under many discouragements, but have the consolation of knowing, that they have already built up an institution, which has received the very highest commendation from the most distinguished educators, both in and out of the State. The Board have caused to be made an estimate of the amount required, to put the whole building in such a condition as the necessities thereof demand. The amount of this estimate is

\$55,000, including the cost of finishing the basement, which is absolutely necessary for the accommodation of the pupils, the introduction of proper heating apparatus, the grading and enclosing of the lot, and all other things, necessary to put the building in a perfect finished condition, and maintain the school in successful operation, and when this desirable result shall be brought about, the State of Indiana will have secured a normal educational institution, at less cost than almost any other of her sister States, and equally distinguished for the high character of its educational advantages.

The school is emphatically beneficial to the operative and laboring classes of the State. There have already been nine terms, including the present, during which 798 pupils have received its advantages, and 19 have graduated, of these 57 per cent. belong to the farming class, 18 per cent. to the mechanical, while only 6 per cent. belong to the mercantile, 4 per cent. to the medical profession, 3 per cent. to the ministry, two per cent. to the law, 2 per cent. to the teachers, and 8 per cent. to all other classes. It is believed that very few Normal Schools in the country are so immediately identified with the industrial pursuits, a fact of the highest importance when it is considered that to this class of our population we are to look for the improvement and success of our great system of common schools, owing to the fact of their having been no other appropriation for the school than the annual tuition revenue, the board have been compelled to borrow \$4,000, for which they have given the note of the individual members, which will be due in the month of February.

In addition to this they have borrowed the sum of \$3,206.83, which is now due. The aggregate of their indebtedness therefore, is \$7,207.83, for which they ask an appropriation. The Legislature will realize the necessity of a library; as such library would greatly facilitate the usefulness of the institution. For this purpose they ask \$10,000. They also ask \$5,000 for the necessary apparatus, \$1,000 annually for additions to the library, and \$5,000 for the increase of the tuition revenue. These sums make an aggregate of \$83,206.83, which will put the institution in an entirely completed condition and make it equal in all respects with the best similar institutions in the United States. Already forty-six counties of the State have furnished pupils to this school, and the board are satisfied that when the Institution is completed it will do as much as its most sanguine friends have predicted, to furnish teachers throughout the State, and make our common school system what it is desirable

to the people of the State it shall be. The present number of pupils is 96, exclusive of the scholars in the primary, model and intermediate schools, the latter of which is designed to be self supporting. These last are made essential by the law as furnishing the only means of so training pupils that they may carry out the original design of the law: The preparation of teachers for teaching.

All of which is respectfully submitted,

W. C. HANNAH,
M. B. HOPKINS,
R. W. THOMPSON,

Committee of Board.

Which was referred to the committee on education.

Mr. Branham introduced

House Bill No. 108. An act to amend an act entitled, "An act to create a State Normal School, and declaring an emergency," approved December 20th, 1865, and adding supplemental sections thereto and providing for certain appropriations.

Which was read a first time and

Referred to the committee on education.

Mr. Cauthorn offered the following resolution:

WHEREAS, A claim for a large sum of money has been asserted in favor of the State of Indiana against the Terre Haute and Indianapolis Railroad Company, on account of certain stipulations and provisions in the act incorporating said company, which has been asserted for a number of years and still remains unsettled; and,

WHEREAS, The State treasury is supplied from the overflowing reservoir of wealth possessed by a great, growing and prosperous State, and can never feel the pinchings of want or stringency and will never have the stimulus necessary to compel a prompt adjustment by dilatory, reluctant and crafty creditors; and

WHEREAS, Education demands the care and encouragement of a people whose instructions depend upon public intelligence and virtue; and a number of colleges and universities in the State have hitherto

been neglected in the bountiful provisions the State has made for various proper and commendable objects; therefore,

Resolved, That the committee on education is hereby ordered and directed to inquire into the expediency and propriety of transferring and donating to the following named colleges and universities all the right, title, interest and claim of the State in and to said claim in equal portions, to wit: Indiana Asbury University, University of Notre Dame, Du Lac, Vincennes University, Wabash College, Indiana University, Hanover College, North Western Christian University and Franklin College, and to authorize and empower the proper authorities of said institutions of learning to demand and receive by suit or otherwise the same, and to report without delay by bill or otherwise.

Which was laid over by consent of the House.

Mr. Peed introduced

House Bill No. 109. An act to provide for service of supervisors in all suits before justices of the peace when defendants reside in different counties, repealing all laws inconsistent with this act and declaring when the same shall take effect.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Peed introduced

House Bill No. 110. An act to prohibit persons under the age of twenty-one years, from buying spirituous, vinous, malt, and other intoxicating liquors, and prescribing penalties for the violation of the provisions of this act.

Which was read a first time, and referred to the committee on temperance.

Mr. Johnson presented a petition from Joselyn Bros. & Co., for payment of a claim of one hundred and forty dollars.

Which was referred to the committee on claims.

Mr. Johnson presented a petition from J. G. Greenawalt, Adjutant General of Indiana, in relation to additional compensation for his services,

Which was referred to the committee on claims.

Mr. Johnson introduced

House Bill No. 111. A bill to authorize Boards of County Commissioners to borrow money for the construction and completion of public buildings.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Johnson introduced

House Bill No. 112. A bill to render wives competent to testify in actions brought for injuries done them.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Riggs introduced

House Bill No. 113. An act to amend section second of an act, entitled "An act to amend sections four and seven of an act to provide for the election, fixing the compensation and prescribing the duties of the Attorney General of the State of Indiana," approved, June 3, 1861.

Which was read a first time, and referred to the committee on fees and salaries.

Mr. Baxter presented a memorial from the Society of Friends, in relation to temperance.

Which was referred to the committee on temperance.

Mr. Baxter presented a memorial from the Society of Friends, in relation to the subject of marriage and divorce.

Mr. Schmuck, moved to lay the memorial upon the table.

Which motion did not prevail, when

On motion,

The same was referred to the committee on the judiciary.

Mr. Walker introduced

House Bill No. 114. An act to amend the first section of an act entitled "An act to authorize any person desiring to erect a flouring mill or other machinery to be propelled by water, on his own land, to make a race-way below such mill or machinery, through lands belonging to other persons, and to regulate the assessment and payment of damages therefor," approved, March 1, 1853, be so amended as to read as follows, to wit:

Which was read a first time and referred to the committee on rights and privileges.

Mr. Wynn presented the claims of the Sentinel and Journal Companies.

Which were referred to the committee on claims.

Mr. Lenfesty presented the claim of John Brownlee, of Grant county, against the State of Indiana.

Which was referred to the committee on claims.

Mr. Shirley moved the reconsideration of the vote upon the resolution of yesterday in relation to printing maps for the use of the members of the House and Senate.

Which motion prevailed.

So the vote was reconsidered and the clerk requested to notify the printer that the maps were ordered not to be printed.

Which was so ordered.

Mr. Brett offered the following resolution:

Resolved, That the Auditor be and is hereby requested to furnish this House with advance sheets of so much of his forthcoming report in relation to the subject of insurance.

Which was adopted.

The committee on engrossed bills made the following report :

MR. SPEAKER :

The committee on engrossed bills have examined Engrossed Bills Nos. 8, 37, 43, 49, 69, 72, 73, 95, and 99, and Joint Resolution No. 3, with the original copies thereof, and find the same in all respects properly engrossed.

On motion of Mr. Walker,

The House adjourned until Monday at 2 o'clock P. M.

MONDAY MORNING.

NOVEMBER 25, 1872, 2 o'clock.

The House met pursuant to adjournment, with the Speaker in the chair.

Prayer was offered by Benjamin Fulghum, of the Society of Friends.

The Journal of Saturday was read in part, when,

On motion, the further reading of the same was dispensed with.

Mr. Willard moved a call of the House.

Which was agreed to:

Those who answered to their names were, Messrs.

Anderson,	Elsworth,	Isenhaur,
Baker,	Eward,	Johnson,
Baxter,	Furnas,	Jones,
Billingsley,	Gifford,	Kimball,
Blocher,	Given,	King,
Brett,	Glassgow,	Kirkpatrick,
Butterworth,	Goble,	Lenfesty,
Broadus,	Gondie,	Lee,
Cauthorn,	Gronendyke,	Martin,
Clark,	Hardesty,	Miller,
Claypool,	Hatch,	McKinney,
Cobb,	Heller,	McConnell,
Crumpacker,	Henderson,	North,
Durham,	Hendrick,	Odle,
Eaton,	Hollingsworth,	Offutt,
Edwards, of Lawrence,	Hoyer,	Ogden,

Peed,	Shirley,	Walker,
Prentiss,	Spellman,	Wilson, of Ripley,
Pfrimmer,	Stanley,	Wilson, of Jay,
Reeder,	Shutt,	Willard,
Reno,	Strange,	Wesner,
Reeves,	Teter,	Wolflin,
Riggs,	Tingley,	Woollen,
Richardson,	Thompson, of Spencer,	Wood,
Rumsey,	Thompson, of Elkhart,	Whitworth,
Satterwhite,	Thayer,	Wyun,
Schmuck,	Troutman,	Mr. Speaker—82.
Scott,	Tulley,	

On motion of Mr. Lenfesty, the further proceedings under the call were dispensed with.

Mr. Kimball, chairman of the committee on ways and means, submitted the following report.

MR. SPEAKER:

The committee on ways and means, to was referred House Bill No. 98, entitled "An act to make certain specific appropriations therein mentioned, beg leave to report that they have had the same under consideration, and recommend that the bill be amended by striking out an after the enacting clause and inserting in lieu thereof. The amendment herewith submitted.

Which was concurred in, and the amendment therewith submitted adopted, the bill read a second time and ordered to be engrossed.

Mr. Hatch, chairman of the committee on swamp lands, submitted the following report.

MR. SPEAKER:

The committee on swamp lands have had under consideration House Bill No. 4 and No. 41, bills for the repeal of the corporation drainage law, which took effect May 22, 1869, and a bill supplemental thereto, and respectfully refer them back to this House and recommend that their consideration be indefinitely postponed, as there is a similar bill before the House under consideration.

Which report was concurred in.

Mr. Hedrick, chairman of the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on the rights and privileges of citizens have had under consideration House Bill No. 46, an act to repeal an act entitled "An act for the protection of fish, and repealing all laws in conflict with the same, prescribing penalties for the violation thereof," have directed me to report the same back to the House with a recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Hedrick, chairman of the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on the rights and privileges of citizens have had under consideration House Bill No. 52, a bill providing for the taking of fish, have directed me to report the same back to the House with the recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Hedrick, chairman of the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House Bill No. 90, have had the same under consideration and recommend its passage.

Which bill was read a second time and ordered to be engrossed.

Mr. King, chairman of the committee on railroads, submitted the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House Bill No. 54, an act to amend an act passed at the special session of the General Assembly, begun on the 13th day of November, 1865, entitled, "An act to secure a just valuation and taxation of railroad property within this State, to legalize the valuation, assessment, adjustment and payment of taxes for such property, made subsequent to the year 1859," for the purpose of extending the provisions of said act, so as to secure a just valuation, assessment and taxation of all property belonging to railroad companies within this State, either now constituted or hereafter to be constituted, from the time of the completion of their lines of road, until the first general appraisement of the real property of the State next after such completion, to legalize assessments and payments of taxes heretofore made under existing laws, and to extend certain provisions of the above act of the special session of 1865, to the enforcement of this act, and declaring an emergency, have had the same under consideration, and have directed that the same be reported back, with the recommendation that it be referred to the committee on ways and means, as the bill provides for the assessing of taxes.

Which report was concurred in, and the bill referred to the committee on ways and means.

Mr. Furnas, chairman of the committee on agriculture, submitted the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred House Bill No. 50, being a bill for the pro rata distribution of funds to the sufferers of those losing sheep killed by dogs, have had the same under consideration and recommend its passage.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Cowgill, chairman of the committee on mileage and accounts, submitted the following report :

MR. SPEAKER:

Your committee on mileage and accounts have instructed me to make the following report of the miles traveled to and from the seat of government by the members of the House of Representatives, and for which they are respectively entitled to mileage:

Anderson, 170; Baker, 216; Barrett, 100; Barker, 316; Baxter, 138; Billingsley, —; Bowser, 280; Blocher, 200; Branham, 168; Brett, 280; Buskirk, 358; Butts, 160; Butterworth, 364; Broaddus, 130; Cauthorn, 300; Clark, 50; Claypool, 144; Cline, 103; Coffman, 200; Cobb, 218; Cole, 108; Cowgill, 174; Crumpacker, 300; Dial, 410; Durham, 130; Eaton, 240; Edwards, of Lawrence, 230; Ellsworth, 344; Eward, 162; Furnas, 48; Gifford, 116; Given, 190; Glasgow, 388; Glazebrook, 240; Goble, 146; Goudie, 132; Gregory, 192; Grouendyke, 236; Hardesty, 80; Hatch, 250; Heller, 312; Henderson, 360; Hendrick, 90; Hollingsworth, 146; Hoyer, 170; Isenhaur, 180; Johnson, —; Jones, 80; Kimball, —; King, —; Kirkpatrick, 114; Lenfesty, 186; Lee, 170; Lent, 250; Martin, 130; Mellett, 108; Miller, 92; McKinney, 140; McConnell, 280; North, 212; Odle, 215; Offutt, 40; Ogden, 40; Peed, 296; Prentiss, 380; Pfrimmer, 270; Rudder, 300; Reno, 92; Reeves, 160; Riggs, 380; Richardson, 164; Rumsey, 80; Satterwhite, 62; Schmuck, 464; Scott, 468; Shirley, 62; Smith, 80; Spellman, 74; Stanley, 400; Shutt, 340; Strange, 120; Teter, 320; Tingley, 80; Thompson, of Spencer, 552; Thompson, of Elkhart, 400; Thayer, 350; Troutman, 230; Tulley, 320; Walker, 138; Willson, of Ripley, 250; Wilson, of Jay, 168; Willard, 234; Wesner, 56; Wolflin, 384; Woollen, 40; Wood, 340; Woodard, 210; Whitworth, 450; Wyan, 116; Mr. Speaker, 146.

Which report was concurred in and warrants ordered to be drawn in favor of each member accordingly.

Mr. Ogden, chairman of the committee on corporations, submitted the following report:

MR. SPEAKER:

Your committee on corporations, to whom was referred House Bill No. 47, entitled "An act to empower the Board on Trustees of any incorporated towns in this State to appoint a Town Attorney, defining his powers, duties and fees," would respectfully report that

they have had the same under consideration, and recommend that the same be indefinitely postponed.

Which report was concurred in.

Mr. Richardson, from the committee on corporations, submitted the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House Bill No. 71, an act to amend section 60 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, have had the same under consideration, and report the same back with the recommendation that it pass.

Which report was concurred in.

The bill read a second time, and ordered to be engrossed.

Mr. Baxter, chairman of the committee on reformatory institutions, submitted the following report:

MR. SPEAKER:

Your committee on reformatory institutions, to whom was referred House Bill No. 92, being an act entitled "An act to establish a House of Refuge for the conviction and reformation of juvenile offenders, etc.," have had the same under consideration, and beg leave to report the same back, and recommend its passage.

Which report was concurred in,

The bill read a second time, and ordered to be engrossed.

INTRODUCTION OF BILLS, PETITIONS, AND RESOLUTIONS.

Mr. Ellsworth offered the following resolution.

Resolved, That the Hon. John C. Shoemaker, Auditor of State, be

requested to communicate to this House any information in his possession in regard to the duties required, under existing circumstances, of the Agent of State.

Which was adopted.

• Mr. Miller introduced

House Bill No. 115. A bill to repeal an act entitled "An act to regulate the sale of patent rights, and to prevent frauds in connection therewith," which took effect April 23, 1869.

Which was read a first time and referred to the committee on judiciary.

Mr. Miller introduced

House Bill No. 116. A bill making specific appropriation for the purchase of additional land for the erection of buildings for workshops and barn, and purchase of apparatus for lighting the buildings with gas for the use and benefit of Indiana Soldiers' Orphan Home at Knightstown Springs, Rush county, Indiana.

Which was read a first time and referred to the committee on benevolent and scientific institutions.

Mr. Scott offered the following resolution.

Resolved, That the committee on county and township business, are hereby instructed to ascertain as to whether the express companies and telegraph companies are regularly assessed and taxed in all the counties through which their lines pass, and that each member be requested to correspond with the treasurer of his county and report to said committee.

Which was adopted.

Mr. Claypool offered the following resolution:

Resolved, That the committee on fees and salaries, be requested to inquire into the expediency of enacting a law conferring upon the commissioners of each of the counties of the State, the power of regulating and fixing the compensation to be allowed to the clerks, sheriffs, auditors, treasurers and recorders, of their respective counties, for services required by law of them; and further inquire

into the propriety of paying the fees, now authorized to be taxed by law in favor of such officers, into the county treasury, to be disbursed as other funds are for county purposes, and report by bill or otherwise.

Which was adopted.

Mr. Isenhaur introduced

House Bill No. 117. An act supplemental to an act to authorize aid to the construction of railroads, by counties and townships taking stock in, and making donations to railroad companies, approved May 12, 1869.

Which was read a first time, and referred to the committee on railroads.

Mr. Rumsey offered the following resolution :

Resolved, That as the temperature of this House is very irregular, and therefore injurious to health and comfort, therefore, the House instruct the proper person, whose duty it is to regulate this, to be prompt in the performance of the same.

Which was adopted.

Mr. Wilson, of Ripley, introduced

House Bill No. 118. An act making the parties competent witnesses as to certain matters in actions by executors or administrators upon contracts assigned to the decedent.

Which was read a first time, and referred to the committee on the organization of courts.

Mr. Canthorn offered the following concurrent resolution :

WHEREAS, His Excellency, the President of the United States, has designated Thursday, the 28th day of November, as a day of thanksgiving, and the members of this General Assembly are desirous of returning to their homes and spending that day with their relatives and friends; therefore,

Resolved, by the House of Representatives, the Senate concurring and consenting thereto, that the House when it adjourns on Wednes-

day next, the 27th inst., do adjourn until Monday, December 2, proximo, at 2 o'clock P. M.

Which was adopted.

Mr. Cauthorn introduced

House Bill No. 119. An act in relation to organizing the two houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency.

Which was read a first time.

Mr. Cauthorn moved to suspend the constitutional rule, have the bill read a second time, and ordered to be engrossed.

Which motion prevailed.

The ayes and noes were taken under the constitutional rule.

Those who voted in the affirmative were, Messrs.

Anderson,	Heller,	Prentiss,
Baker,	Henderson,	Pfrimmer,
Billingsley,	Hedrick,	Rudder,
Branham,	Hollingsworth,	Reno,
Buskirk,	Hoyer,	Reeves,
Butterworth,	Isenhour,	Riggs,
Cauthorn,	Johnson,	Richardson,
Clark,	Jones,	Satterwhite,
Claypool,	Kimball,	Schmuck,
Crumpacker,	King,	Scott,
Durham,	Lenfesty,	Shirley,
Eaton,	Lee,	Spellman,
Ellsworth,	Martin,	Stanley,
Furnas,	Miller,	Schutt,
Gifford,	McConnell,	Strange,
Given,	North,	Teter,
Glazebrook,	Odle,	Tingley,
Goble,	Offut,	Thompson, of Spencer,
Goudie,	Ogden,	Thompson, of Elkhart,
Gronendyke,	Peed,	Thayer,

Tulley,	Willard,	Wood,
Walker,	Wesner,	Whitworth,
Wilson, of Ripley,	Wolfelin,	Wynn,
Wilson, of Jay,	Woollen,	Mr. Speaker—73.

Those who voted in the negative were, Messrs.

Cline,	Eward,	Hatch,
Cobb,	Glasgow,	Kirkpatrick—8.
Edwards, of Lawrence,	Hardesty,	

So the constitutional rule was suspended.

The bill was then read a second time by its title, and ordered to be engrossed.

Mr. Offutt moved to suspend the constitutional rule, consider the bill as engrossed, have it read a third time, and put upon its passage.

Which motion prevailed.

The ayes and noes were taken under the constitutional rule.

Those who voted in the affirmative were, Messrs.

Anderson,	Henderson,	Reeder,
Baker,	Hedrick,	Reno,
Billingsly,	Hollingsworth,	Reeves,
Buskirk,	Hoyer,	Riggs,
Butterworth,	Isenhaur,	Richardson,
Broadus,	Johnson,	Rumsey,
Cauthorn,	Jones,	Satterwhite,
Clark,	Kimball,	Schmuck,
Claypool,	King,	Scott,
Crumpacker,	Lee,	Shirley,
Eaton,	Martin,	Spellman.
Edwards, of Lawrence,	Miller,	Stanley,
Ellsworth,	McConnell,	Shutt,
Furnas,	North,	Strange,
Gifford,	Odle,	Teter,
Given,	Offutt,	Tingley,
Goble,	Ogden,	Thompson, of Spencer,
Goudie,	Peed,	Thompson, of Elkhart,
Gronendyke,	Prentiss,	Thayer,
Heller,	Pfrimmer,	Tulley,

Walker,	Wesner,	Whitworth,
Wilson, of Ripley,	Wolfin,	Wynn,
Wilson, of Jay,	Woollen,	Mr. Speaker—71.
Willard,	Wood,	

Those who voted in the negative were, Messrs.

Cline,	Eward,	Hatch,
Cobb,	Glazebrook,	Kirkpatrick,
Durham,	Hardesty,	Lenfesty—9.

So the constitutional rule was suspended, the bill read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gifford,	McConnell,
Baker,	Given,	North,
Baxter,	Glasgow,	Odle,
Billingsly,	Glazebrook,	Offutt,
Branham,	Goble,	Ogden,
Brett,	Goudie,	Peed,
Buskirk,	Gronendyke,	Prentiss,
Butterworth,	Hardesty,	Pfrimmer,
Broadus,	Hatch,	Reeder,
Cauthorn,	Heller,	Reno,
Clark,	Henderson,	Reeves,
Claypool,	Hedrick,	Riggs,
Cline,	Hollingsworth,	Richardson,
Coffman,	Hoyer,	Rumsey,
Cobb,	Isenhaur,	Satterwhite,
Cowgill,	Johnson,	Schmuck,
Crumpacker,	Jones,	Scott,
Durham,	Kimball,	Shirley,
Eaton,	King,	Spellman,
Edwards, of Lawrence,	Lenfesty,	Stanley,
Ellsworth,	Lee,	Shutt,
Eward,	Martin,	Strange,
Furnas,	Miller,	Teter,

Tingley,	Walker,	Woollen,
Thompson, of Spencer,	Wilson, of Ripley,	Wood,
Thompson, of Elkhart,	Wilson, of Jay,	Whitworth,
Thayer,	Willard,	Wynn,
Tulley,	Wesner,	Mr. Speaker—84.

Those who voted in the negative were, Messrs.

Kirkpatrick and Wolflin—2.

So the bill passed.

The question being, shall the title of the bill as read stand as the title of the bill?

It was so ordered.

Mr. Wood introduced

House Bill No. 120. An act to provide for the time of holding Circuit Courts in the Ninth Judicial Circuit, and to repeal all laws in conflict therewith.

Which was read a first time, and,

On motion,

Referred to the following special committee:

Messrs. Wood, Henderson, Crumpacker, Troutman and Teter.

Mr. Edwards, of Lawrence, introduced

House Bill No. 121. An act to repeal an act, entitled, "An act in relation to the taxation of lands in towns and cities," approved June 18, 1852, and declaring an emergency.

Which was read a first time, and referred to the committee on cities and towns.

Mr. Billingsley presented a petition on the subject of temperance, from sundry citizens of Marion county.

Which was referred to the committee on temperance.

Mr. Billingsley introduced

House Bill No. 122. An act providing for the appraisement of real estate in all cities of thirty thousand or more inhabitants, providing compensation, and prescribing duties of county auditors therein.

Which bill was read a first time, and referred to the committee on ways and means.

Mr. Billingsley introduced

House Bill No. 123. An act prescribing time for transaction road business, and for appointment of Superintendent and Physicians for poor.

Which was read a first time, and referred to the committee on county and township business.

Mr. Johnson presented the claim of Sterns Fisher.

Which was referred to the committee on claims.

Mr. Johnson introduced

House Bill No. 124. An act to provide for the construction of a State Monument, to the memory of Indiana Soldiers and Sailors, who periled their lives in the service of their country.

Which was read a first time, and referred to the select committee on Soldier's Monument.

Mr. Peed offered the following resolution:

Resolved, That the daily meetings of this House, shall be at 10 o'clock, A. M., until otherwise ordered.

Which was not concurred in.

Mr. Peed offered the following resolution.

Resolved, That the Auditor of State be requested to furnish each member of this House with such portions of the advance sheets of his forthcoming report as relates to the subject of State printing.

Which was adopted.

Mr. Shirley offered the following resolution.

Resolved, All members receiving petitions and memorials for the consideration of this House, shall state the substance of such petition or memorial to the same without reading, and refer the same to the proper committee, and no petition or memorial shall be read to the House except upon the recommendation of the committee.

Mr. Billingsley moved to lay the resolution on the table.

Which was adopted.

Mr. Hatch offered the following resolution.

Resolved, That the committee on benevolent and scientific institutions, is hereby instructed to inquire into the expediency of passing an act incorporating an institution for the cure of inebriates and to report by bill or otherwise.

Which was adopted.

Mr. Hollingsworth offered the following resolution.

Resolved, That the committee on roads be instructed to inquire into the expediency of abolishing the office of District Supervisor, and provide in place thereof, one Supervisor for each township, whose duty it shall be to have Supervisors of all roads work in his respective township, and the committee further be instructed to report by bill or otherwise.

Which was adopted.

Mr. Gronendyke introduced

House Bill No. 125. An act to amend section one of an act, entitled "An act providing for calling special sessions of the Board of County Commissioners," approved March 7, 1863, and declaring an emergency.

Which was read a first time and referred to the committee on the judiciary.

Mr. Walker introduced

House Bill No. 126. An act to restrain animals from running

at large, and authorizing permits for certain animals to run at large, by the County Commissioners and Township Trustees in certain cases, providing penalties for violations of said act, prescribing the duties of Constables and Marshals in relation thereto, and regulating their fees in such cases, and providing pounds, and for the impounding of animals, running at large in violation of the provisions of said act, and prescribing penalties for breaking open, destroying, or interfering with said pounds or inclosures, or setting at liberty animals therein, and to repeal all laws in conflict therewith and declaring an emergency.

Which was read a first time and referred to the committee on agriculture.

Mr. Walker introduced

House Bill No. 127. An act to amend the second section of an act, approved February 20, 1867, entitled "An act concerning the organization and perpetuity of voluntary associations and repealing an act, entitled "An act concerning the organization of voluntary associations and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by said act.

Which was read a first time and referred to the committee on corporations.

Mr. Tully introduced House Bill No. 128.

House Bill No. 128. An act empowering the Board of Trustees of any incorporated town within the State to compel owners of lots or parcels of lands within such town to plant, maintain and protect shade trees within the same, and declaring an emergency.

Which was read a first time, and referred to the committee on cities and towns. {

The committee on ways and means was authorized to employ a sufficient clerical force.

Mr. Cauthorn offered the following resolution :

WHEREAS; Information has been received that certain standing

committees of this House are incurring unwarranted expense in employing clerks, furnishing their rooms with carpeting, mirrors, and other articles therefor; therefore,

Resolved, That no committee of this House is authorized to incur any expense whatever before the consent of the House is first obtained therefor, and that no clerk will be allowed to any committee unless necessity for his appointment is shown and that no appropriation will be made for any expense incurred by any committee, standing or select, unless such expenses have been authorized and directed by the House.

Which was adopted.

The committee on the judiciary was authorized to employ one clerk.

The committee on claims was authorized to employ one clerk.

On motion of Mr. Gifford,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING.

NOVEMBER 26, 1872, 9 o'clock.

The House met, pursuant to adjournment, with the Speaker in the chair.

Prayer was offered by the Rev. B. W. Smith, of Indianapolis.

On motion, the reading of the journal was dispensed with.

The Speaker laid before the House a communication from Thomas Dowling, of Terre-Haute, and memorials from Dent, Palmer & Co.; N. M. Rothschild & Sons; Baring Brothers & Co.; Frederick Hath & Co., London, committee representing the holders of Indiana canal certificates, and George Mosle, August Belmont, and A. Gracie King, New York, committee representing the holders of Indiana canal certificates, in relation to canal certificates issued by the State of Indiana.

Which were referred to the committee on the judiciary.

The committee on engrossed bills submitted the following report:

MR. SPEAKER:

The committee on engrossed bills, to whom was referred engrossed House Bills Nos. 50, 71, 81, 90 and 98, have compared the same with the original copies and find them, in all respects, properly engrossed.

Joint resolution No. 3 was read a third time and put upon its passage.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were Messrs.

Anderson,	Goble,	Richardson,
Baker,	Hardesty,	Rumsey,
Baxter,	Hatch,	Satterwhite,
Billingsley,	Heller,	Schmuck,
Branham,	Hedrick,	Scott,
Buskirk,	Hollingsworth,	Shirley,
Butts,	Hoyer,	Smith,
Butterworth,	Isenhaur,	Spellman,
Broadus,	Johnson,	Stanley,
Cawthorn,	Kimball,	Shatt,
Clark,	King,	Strange,
Claypool,	Kirkpatrick,	Teter,
Cline,	Lenfesty,	Tingley,
Coffman,	Lee,	Thompson, of Spencer,
Cobb,	Martin,	Thompson, of Elkhart,
Cole,	Mellett,	Thayer,
Cowgill,	McConnell,	Troutman,
Crumpaeker,	North,	Tulley,
Durham,	Odle,	Walker,
Eaton,	Offutt,	Wilson, of Jay,
Edwards, of Lawrence,	Ogden,	Willard,
Ellsworth,	Peed,	Wesner,
Eward,	Prentiss,	Wolfen,
Furnas,	Pfrimmer,	Woollen,
Gifford,	Rudder,	Wood,
Given,	Reno,	Woodward,
Glasgow,	Reeves,	Wynn,
Glazebrook,	Riggs,	Mr. Speaker—89.

No one voting in the negative, so the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 8 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gronendyke,	Reno,
Baxter,	Hardesty,	Reeves,
Billingsley,	Hatch,	Rumsey,
Branham,	Heller,	Satterwhite,
Buskirk,	Hedrick,	Schmuck,
Butts,	Hollinsworth,	Shirley,
Butterworth,	Hoyer,	Spellman,
Broaddus,	Isenhaur,	Strange,
Cauthorn,	Johnson,	Teeter,
Clark,	Jones,	Tingley,
Coffman,	Kimball,	Thompson, of Spencer,
Cowgill,	King,	Thompson, of Elkhart,
Crumpacker,	Kirkpatrick,	Thayer,
Edwards, of Lawrence,	Lenfesty,	Troutman,
Ellsworth,	Lee,	Tulley,
Eward,	Martin,	Wilson, of Jay,
Furnas,	Millett,	Willard,
Gifford,	North,	Wesner,
Given,	Odle,	Woollen,
Glasgow,	Offutt,	Wood,
Glazebrook,	Ogden,	Woodard,
Goble,	Pfrimmer,	Wynn,
Goudie,	Reeder,	Mr. Speaker—69

Those who voted in the negative were Messrs.

Baker,	Eaton,	Richardson,
Claypool,	Gregory,	Scott,
Cline,	McConnell,	Stanley,
Cobb,	Reed,	Shutt,
Cole,	Prentiss,	Woolflin,
Durham,	Riggs,	Whitworth—18.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 37 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Goudie,	Riggs,
Baker,	Gregory,	Richardson,
Baxter,	Gronendyke,	Rumsey,
Billingsley,	Hardesty,	Satterwhite,
Branham,	Hatch,	Schmuck,
Brett,	Heller,	Scott,
Buskirk,	Hedrick,	Shirley,
Butts,	Hollingsworth,	Spellman,
Butterworth,	Hoyer,	Smith,
Broadus,	Isenhauer,	Stanley,
Cauthorn,	Johnson,	Shutt,
Clark,	Jones,	Strange,
Claypool,	Kimball,	Teeter,
Cline,	King,	Tingley,
Coffman,	Kirkpatrick,	Thompson, of Spencer,
Cobb,	Lenfesty,	Thompson, of Elkhart,
Cole,	Lee,	Thayer,
Cowgill,	Martin,	Troutman,
Crumpacker,	Melletts,	Tulley,
Durham,	McConnell,	Wilson, of Jay,
Eaton,	North,	Willard,
Edwards, of Lawrence,	Odel,	Wesner,
Ellsworth,	Offutt,	Wolfen,
Eward,	Ogden,	Woollen,
Furnas,	Peed,	Wood,
Gifford,	Prentiss,	Woodard,
Given,	Pfrimmer,	Whitworth,
Glasgow,	Reedder,	Wynn,
Glazebrook,	Reno,	Mr. Speaker—89.
Goble,	Reeves,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 43 was read a third time and put upon its passage.

Those who voted in the affirmative were, Messrs.

Billingsley,	Heller,	Ogden,
Cauthorn,	Henderson,	Schmuck,
Coffman,	Hoyer,	Shirley,
Durham,	Johnson,	Thayer,
Furnas,	King,	Woollen—17.
Gregory,	Miller,	

Those who voted in the negative were, Messrs.

Anderson,	Goudie,	Riggs,
Baker,	Gronendyke,	Richardson,
Branham,	Hardesty,	Rumsey,
Brett,	Hatch,	Satterwhite,
Buskirk,	Hedrick,	Scott,
Butts,	Hollingsworth,	Smith,
Butterworth,	Isenhaur,	Spellman,
Broadus,	Jones,	Stanley,
Clark,	Kimball,	Shutt,
Claypool,	Kirkpatrick,	Teter,
Cline,	Lenfesty,	Tingley,
Cobb,	Lee,	Thompson, of Spencer,
Cole,	Martin,	Thompson, of Elkhart,
Cowgill,	Melletts,	Troutman,
Crumpacker,	McConnell,	Tulley,
Eaton,	North,	Wilson, of Jay,
Edwards, of Lawrence,	Odle,	Willard,
Ellsworth,	Offutt,	Wesner,
Eward,	Peed,	Wood,
Gifford,	Prentiss,	Woodard,
Given,	Pfrimmer,	Whitworth,
Glasgow,	Reedder,	Wynn,
Glazebrook,	Reno,	Mr. Speaker—71.
Goble,	Reeves,	

So the bill did not pass.

By the unanimous consent of the House,

The regular order of business was suspended, and

Mr. Kimball introduced,

House Bill No. 129. A bill to protect the Wabash and Erie Canal and the tolls and revenues thereof from sales or sequestration for the satisfaction of the lien of certain bonds or stocks of the State issued prior to the transfer of said Canal to the present Board of Trustees thereof, and to provide for the satisfaction of said bonds or stocks.

Which was read a first time.

Mr. Cauthorn moved to lay the bill on the table, and that two hundred copies of the same be printed.

Which motion prevailed.

House Bill No. 39 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Furnas,	McConnell,
Baker,	Gifford,	Odle,
Baxter,	Given,	Offutt,
Billingsley,	Glasgow,	Peed,
Branham,	Glazebrook,	Prentiss,
Brett,	Goble,	Pfrimmer,
Buskirk,	Gregory,	Reno,
Butts,	Gronendyke,	Reeves,
Butterworth,	Hardesty,	Riggs,
Broadus,	Hatch,	Richardson,
Cauthorn,	Henderson,	Rumsey,
Clark,	Hedrick,	Satterwhite,
Claypool,	Hollingsworth,	Scott,
Coffman,	King,	Smith,
Cobb,	Kirkpatrick,	Spellman,
Cole,	Lenfesty,	Teter,
Cowgill,	Lent,	Tingley,
Edwards, of Lawrence,	Martin,	Thompson, of Spencer,
Ellsworth,	Melletts,	Thompson, of Elkhart,
Eward,	Miller,	Thayer,

Troutman,	Willard,	Woodard,
Tulley,	Wesner,	Whitworth,
Walker,	Wolfen,	Wynn,
Wilson, of Ripley,	Wood,	Mr. Speaker—71.

Those who voted in the negative were, Messrs.

Cline,	Johnson,	Schmuck,
Crumpacker,	Jones,	Shirley,
Durham,	Kimball,	Stanley,
Eaton,	Lee,	Shutt,
Goudie,	North,	Strange,
Heller,	Ogden,	Wilson, of Jay,
Hoyer,	Reeder,	Woollen—22.
Isenhaur,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Clerk inform the Senate thereof.

House Bill No. 69 was read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Coffman,	Given,
Billingsley,	Cobb,	Glazebrook,
Branham,	Cole,	Goble,
Buskirk,	Cowgill,	Goudie,
Butts,	Crumpacker,	Gregory,
Butterworth,	Eaton,	Gronendyke,
Broadus,	Edwards of Lawrence,	Hardesty,
Cauthorn,	Ellsworth,	Hatch,
Clark,	Eward,	Heller,
Claypool,	Furnas,	Henderson,
Cline,	Gifford,	Hedrick,

Hollingsworth,	Ogden,	Tingley,
Hoyer,	Peed,	Thompson, of Spencer,
Isenhaur,	Prentiss,	Thompson, of Elkhart,
Johnson,	Pfrimmer,	Thayer,
Jones,	Reeder,	Troutman,
Kimball,	Reno,	Tulley,
King,	Reeves,	Walker,
Kirkpatrick,	Riggs,	Wilson, of Jay,
Lenfesty,	Richardson,	Wilson, of Ripley,
Lee,	Rumsey,	Willard,
Lent,	Satterwhite,	Wesner,
Martin,	Scott,	Wolfen,
Melletts,	Shirley,	Woollen,
Miller,	Smith,	Wood,
McConnell,	Spellman,	Woodard,
North,	Shutt,	Whitworth,
Odle,	Strange,	Wynn,
Offutt,	Teter,	Mr. Speaker—87.

Those who voted in the negative were, Messrs.

Durham,	Reno,	Stanley—3.
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So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 72 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baxter,	Butterworth,	Cobb,
Billingsly,	Broadus,	Cole,
Branham,	Clark,	Cowgill,
Brett,	Cline,	Eaton,
Butts,	Coffman,	Edwards, of Lawrence,

Eward,	Kirkpatrick,	Richardson,
Furnas,	Lee,	Rumsey,
Gifford,	Melletts,	Satterwhite,
Given,	McConnell,	Tingley,
Glasgow,	North,	Thompson, of Spencer,
Gregory,	Odle,	Thayer,
Hatch,	Offutt,	Troutman,
Henderson,	Ogden,	Walker,
Hedrick,	Prentiss,	Wilson, of Ripley,
Hollingsworth,	Pfrimmer,	Wolfen,
Hoyer,	Reno,	Wood,
Isenhaur,	Reeves,	Whitworth,
King,	Riggs,	Mr. Speaker—54.

Those who voted in the negative were, Messrs.

Anderson,	Heller,	Shutt,
Baker,	Jones,	Strange,
Cauthorn,	Lenfesty,	Teteer,
Claypool,	Martin,	Thompson, of Elkhart,
Crumpacker,	Miller,	Tulley,
Durham,	Peed,	Wilson, of Jay,
Ellsworth,	Reeder,	Willard,
Glazebrook,	Schmuck,	Wesner,
Goble,	Scott,	Woollen,
Goudie,	Smith,	Woodard,
Gronendyke,	Spellman,	Wynn—35.
Hardesty,	Stanley,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 95 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Baxter,	Branham,
Baker,	Billingsley,	Brett,

Butterworth,	Hollingsworth,	Schmuck,
Broadus,	Hoyer,	Scott,
Cauthorn,	Isenbaur,	Shirley,
Clark,	Jones,	Smith,
Claypool,	Johnson,	Spellman,
Cline,	Kimball,	Stanley,
Coffman,	King,	Shutt,
Cole,	Kirkpatrick,	Strange,
Cowgill,	Lenfesty,	Teeter,
Crumpacker,	Lee,	Tingley,
Durham,	Lent,	Thompson, of Spencer,
Eaton,	Martin,	Thompson, of Elkhart,
Edwards,	Mellet,	Thayer,
Eward,	Miller,	Troutman,
Furnas,	McConnell,	Tulley,
Given,	North,	Walker,
Glasgow,	Odle,	Wilson, of Ripley,
Glazebrook,	Offutt,	Wilson, of Jay,
Goble,	Ogden,	Willard,
Goudie,	Peed,	Wesner,
Gregory,	Pfrimmer,	Woollen,
Hardesty,	Ruder,	Whitworth,
Hatch,	Reno,	Wynn,
Heller,	Richardson,	Mr. Speaker—86.
Henderson,	Rumsey,	
Hedrick,	Satterwhite,	

Mr. Cobb voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate

has adopted the resolution of the House in relation to adjournment, which reads as follows, to wit :

WHEREAS, His Excellency the President of the United States, has designated Thursday, the 28th day of November, as a day of thanksgiving, and the members of this General Assembly are desirous of returning to their homes, and spending that day with their relatives and friends, therefore,

Resolved, By the House of Representatives, the Senate concurring and consenting thereto, that the House, when it adjourns on Wednesday next, the 27th inst., do adjourn until Monday, December 2d proximo, at 2 o'clock P. M.

With the following amendment, strike out the words "the House," and insert in line thereof "each House of the General Assembly of the State of Indiana," and respectfully ask the concurrence of the House in said amendment.

House Bill No. 26 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Hatch,	Schmuck,
Baxter,	Henderson,	Scott,
Billingsley,	Hedrick,	Spellman,
Butts,	Hollingsworth,	Stanley,
Broadus,	Johnson,	Strange,
Cauthorn,	Jones,	Tingley,
Clark,	Kimball,	Thompson, of Spencer,
Claypool,	King,	Thayer,
Coffman,	Kirkpatrick,	Troutman,
Cole,	Martin,	Walker,
Cowgill,	Miller,	Wilson, of Ripley,
Durham,	North,	Wilson, of Jay,
Eaton,	Odle,	Wesner,
Eward,	Offutt,	Wolfen,
Glasgow,	Ogden,	Woollen,
Glazebrook,	Prentiss,	Wood,
Gregory,	Riggs,	Woodard—52.
Hardesty,		

Those who voted in the negative were, Messrs.

Anderson,	Heller,	Richardson,
Branham,	Hoyer,	Rumsey,
Brett,	Isenhaur,	Satterwhite,
Butterworth,	Lenfesty,	Smith,
Cline,	Lee,	Shutt,
Cobb,	Lent,	Teeter,
Crumpacker,	Mellet,	Thompson, of Elkhart,
Edwards, of Lawrence,	McConnell,	Willard,
Ellsworth,	Peed,	Whitworth,
Gifford,	Pfrimmer,	Wynn,
Goble,	Ruder,	Mr. Speaker—38.
Goudie,	Reno,	
Gronendyke,	Reeves,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

By unanimous consent of the House, the regular order of business was suspended and the House concurrent resolution in relation to the adjournment of the House and Senate was taken up.

And, on motion, the proposed Senate amendment was adopted.

House Bill No. 73 was read a third time.

On motion by Mr. Butterworth,

The further consideration of the bill was postponed until Tuesday next at 2 o'clock P. M.

House Bill No. 99 was read a third time.

On motion of Mr. King,

The bill was referred back to the committee on cities and towns.

House Bill No. 50 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Hardesty,	Rumsey,
Baker,	Hatch,	Satterwhite,
Baxter,	Heller,	Schmuck,
Billingsley,	Henderson,	Scott,
Branham,	Hollingsworth,	Shirley,
Brett,	Hoyer,	Smith,
Butts,	Isenhaur,	Spellman,
Butterworth,	Johnson,	Stanley,
Broadus,	Kimball,	Shutt,
Cauthorn,	King,	Strange,
Cobb,	Kirkpatrick,	Tingley,
Cowgill,	Lenfesty,	Thompson, of Spencer,
Crumpacker,	Lent,	Thompson, of Elkhart,
Clark,	Martin,	Thayer,
Durham,	Melletts,	Troutman,
Eaton,	Miller,	Tulley,
Edwards, of Lawrence,	McConnell,	Walker,
Ellsworth,	North,	Wilson, of Ripley,
Eward,	Odle,	Wilson, of Jay,
Furnas,	Offutt,	Wesner,
Gifford,	Ogden,	Wolfen,
Glasgow,	Peed,	Woolen,
Glazebrook,	Prentiss,	Wood,
Goble,	Ruder,	Woodard,
Goudie,	Reeves,	Whitworth,
Gregory,	Riggs,	Wynn,
Gronendyke,	Richardson,	Mr. Speaker—84.

Those who voted in the negative were, Messrs.

Hedrick,	Reno,	Willard—5.
Pfrimmer,	Teter,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 71 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Hardesty,	Satterwhite,
Baxter,	Hatch,	Shutts,
Billingsley,	Hedrick,	Teter,
Branham,	Hollingsworth,	Tingley,
Butts,	Johnson,	Thompson, of Spencer,
Broadus,	Kimball,	Thayer,
Clark,	Kirkpatrick,	Trontman,
Coffman,	Lee,	Wilson, of Ripley,
Cobb,	North,	Wesner,
Cole,	Odle,	Walker,
Cowgill,	Offutt,	Wolfin,
Crumpacker,	Ogden,	Woollen,
Edwards, of Lawrence,	Prentiss,	Wood,
Gifford,	Riggs,	Wynn,
Gregory,	Rumsey,	Mr. Speaker—47.
Gronendyke,		

Those who voted in the negative were, Messrs.

Anderson,	Heller,	Reeves,
Brett,	Henderson,	Schmuck,
Cauthorn,	Hoyer,	Scott,
Claypool,	Isenhaur,	Shirley,
Cline,	Jones,	Smith,
Durham,	Lenfesty,	Spellman,
Eaton,	Martin,	Stanley,
Ellsworth,	Miller,	Strange,
Eward,	McConnell,	Thompson, of Elkhart,
Furnas,	Peed, [†]	Tulley,
Glasgow,	Pfrimmer,	Wilson, of Jay,
Glazebrook,	Ruder,	Woodard,
Goble,	Reno,	Whitworth—42.
Goudie,		

So the bill did not pass.

House Bill No. 81 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Gronendyke,	Rumsey,
Baxter,	Hardesty,	Satterwhite,
Billingsley,	Hendrick,	Scott,
Branham,	Hollingsworth,	Smith,
Buskirk,	Johnson,	Stanley,
Butts,	Jones,	Strange,
Butterworth,,	Kimball,	Teter,
Broadus,	King,	Tingley,
Clark,	Kirkpatrick,	Thompson, of Spencer,
Cobb,	Lee,	Thayer,
Cole,	Lent,	Troutman,
Cowgill,	Martin,	Tulley,
Crumpacker,	Millett,	Walker,
Durham,	Miller,	Wilson, of Ripley,
Edwards, of Lawrence,	McConnell,	Wilson, of Jay,
Ellsworth,	North,	Wesner,
Eward,	Odle,	Wolfen,
Furnas,	Offut,	Woollen,
Gifford,	Ogden,	Wood,
Given,	Prentiss,	Woodard,
Glasgow,	Ruder,	Whitworth,
Glazebrook,	Reeves,	Wynn,
Goble,	Riggs,	Mr. Speaker—70.
Gondie,		

Those who voted in the negative were, Messrs.

Anderson,	Hatch,	Richardson,
Brett,	Heller,	Schmuck,
Claypool,	Henderson,	Spellman,,
Cline,	Hoyer,	Shutt,
Coffman	Isenhaur,	Thompson, of Elkhart,
Eaton,	Lenfesty,	Willard—20.
Gregory,	Reem,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 90 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gronendyke,	Rumsey,
Baker,	Hardesty,	Satterwhite,
Branham,	Hedrick,	Scott,
Brett,	Hollinsworth,	Shirley,
Butts,	King,	Strange,
Butterworth,	Lee,	Teeter,
Clark,	Melletts,	Thompson, of Spencer.
Cline,	Odle,	Thayer,
Coffman,	Ogden,	Wolflin,
Edwards, of Lawrence,	Pfrimmer,	Woollen,
Gifford,	Riggs,	Mr. Speaker—35.
Gregory,	Richardson,	

Those who voted in the negative were, Messrs.

Baxter,	Heller,	Schmuck,
Buskirk,	Hoyer,	Smith,
Broadus,	Isenhaur,	Spellman,
Cauthorn,	Jones,	Stanley,
Claypool,	Kirkpatrick,	Shutt,
Cobb,	Lenfesty,	Tingley,
Cole,	Martin,	Thompson, of Elkhart,
Cowgill,	Miller,	Troutman,
Durham,	McConnell,	Tulley,
Eaton,	North,	Walker,
Ellsworth,	Offutt,	Wilson, of Jay,
Eward,	Peed,	Willard,
Furnas,	Prentiss,	Wesner,
Given,	Ruder,	Wood,
Glazebrook,	Reno,	Woodard,
Goudie,	Reeves,	Wynn—49.
Hatch,		

So the bill did not pass.

SPECIAL ORDER FOR THE DAY.

At 12 o'clock M.

Pursuant to a concurrent resolution, and in obedience to an act of Congress, the House by an open *viva voce* vote proceeded to name one person for Senator in the Congress of the United States, for the State of Indiana, to serve for the term of six years, from and after the fourth day of March, in the year of our Lord, one thousand eight hundred and seventy-three.

Mr. Cauthorn moved a call of the House.

Those who answered to their names were, Messrs.

Anderson,,	Glasgow,	Offut,
Baker,	Glazebrook,	Ogden,
Baxter,	Goudie,	Peed,
Billingsley,	Gregory,	Prentiss,
Bowser,	Gronendyke,	Pfrimmer,
Branham,	Hardesty,	Rudder,
Brett,	Hatch	Reno,
Buskirk,	Heller,	Reeves,
Butts,	Henderson,	Riggs,
Butterworth,	Hedrick,	Richardson,
Broadus,	Hollinsworth,	Rumsey,
Cauthorn,	Hoyer,	Satterwhite,
Clark,	Isenhaur,	Schmuck,
Claypool,	Johnson,	Scott,
Cline,	Jones,	Shirley,
Coffman,	Kimball,	Smith,
Cobb,	King,	Spellman,
Cole,	Kirkpatrick,	Stanley,
Cowgill,	Lenfesty,	Shutt,
Crumpacker,	Lee,	Strange,
Durham,	Lent,	Teeter,
Eaton,	Martin,	Tingley,
Edwards, of Lawrence,	Melletts,	Thompson, of Spencer,
Ellsworth,	Miller,	Thompson, of Elkhart,
Eward,	McConnell,	Thayer,
Furnas,	McKinney,	Troutman,
Gifford,	North,	Tulley,
Given,	Odle,	Walker,

Wilson, of Ripley,	Wolfin,	Whitworth,
Wilson, of Jay,	Wood,	Wynn,
Willard,	Woodard,	Mr. Speaker—95.
Wesner,		

On motion of Mr. Cobb further proceedings under the call were dispensed with.

Nominations for United States Senators being in order, Mr. Thayer nominated Oliver P. Morton.

Mr. Woollen nominated James D. Williams.

Those who voted for Oliver P. Morton, were, Messrs.

Baxter,	Hardesty,	Riggs,
Billingsley,	Hatch,	Rumsey,
Branham,	Hedrick,	Satterwhite,
Butts,	Hollinsworth,	Scott,
Butterworth,	Jonson,	Tingley,
Bradus,	Kimball,	Thompson, of Speneer.
Clark,	King,	Thompson, of Elkhart,
Cobb,	Kirkpatrick,	Thayer,
Cole,	Lenfesty,	Troutman,
Cowgill,	Lee,	Walker,
Crumpacker,	Lent,	Wilson, of Ripley,
Edwards, of Lawrence,	Melletts,	Wilson, of Jay,
Eward,	Miller,	Wesner,
Furnas,	North,	Wolfin,
Gifford,	Odle,	Wood,
Glasgow,	Ogden,	Woodard,
Goudie,	Printiss,	Wynn,
Grondyke,	Reeves,	Mr. Speaker—54.

Those who voted for James D. Williams, were Messrs.

Anderson,	Cline,	Gregory,
Baker,	Coffman,	Heller,
Brett,	Durham,	Henderson,
Bowser.	Eaton,	Hoyer,
Buskirk,	Ellsworth,	Isenhour,
Cauthorn,	Given,	Jones,
Claypool,	Glazebrook,	Martin,

McKinney,	Richardson,	Strange.
McConnel,	Schmuck,	Teeter,
Offutt,	Shirley,	Tulley,
Peed,	Smith,	Willard,
Pfrimmer,	Spellman,	Woollen,
Reedder,	Stanley,	Whitworth—41.
Reno,	Shutt,	

Whole number of votes cast, 95; of which number Oliver P. Morton received 54. James D. Williams received 41. Oliver P. Morton having received a majority of all the votes cast was declared by the Speaker of the House to be the choice of the House of Representatives for Senator in Congress for the term of six years, from and after the fourth day of March, A. D. 1873.

The following message from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following resolution:

Resolved, (by the Senate, the House concurring therein,) That both Houses meet in joint convention in the Hall of the House of Representatives at 12 o'clock, meridian, on to-morrow to compare and announce the vote for United States Senator in compliance with a law of Congress, in which the concurrence of the House is respectfully requested.

By unanimous consent of the House

The regular order of business was suspended, and the message of the Senate taken up.

On motion,

The Senate concurrent resolution was concurred in.

Mr. King presented the following resolution from the Common Council of the City of Indianapolis in relation to the State House grounds:

INDIANAPOLIS, INDIANA, Nov. 26, 1872.

At a meeting of the Common Council of the City of Indianapolis,

held on the 25th day of November, 1872, the following resolution was unanimously adopted.

ATTEST:

JOHN R. CLINTON,
City Clerk.

Resolved, That the City of Indianapolis hereby consents to the vacation of Market and Wabash streets between Tennessee and Mississippi streets for the purpose of enlarging the State House Grounds.

INDIANAPOLIS, IND., NOVEMBER 26, 1872.

At a meeting of the Common Council of the city of Indianapolis, held on the 25th day of November, 1872.

The following preamble and resolution was presented by Dr. J. H. Woodburn and unanimously adopted.

JOHN R. CLINTON,
City Clerk.

WHEREAS, The north half of square No. 48, commonly called West Market Square, was dedicated by the State to the city for the purposes of a market space, and if the same should be applied to any other use it would revert to the original grantor the State of Indiana; and,

WHEREAS, It is for the benefit of city and of the State that the new State House shall be erected upon the present site; therefore, be it

Resolved, That in consideration, that the new State House which it is proposed to build, shall be erected upon or near the present site, and that said part of square 48 shall be used as part of the State House grounds. The city of Indianapolis does hereby release and relinquish to the State of Indiana, all her right, title, to and interest in the real estate aforesaid.

Which were referred to the select committee on State House and State House grounds.

On motion, the House adjourned until 2 o'clock, P. M.

TUESDAY AFTERNOON, 2 O'CLOCK.

NOVEMBER 26, 1872.

House met pursuant to adjournment with the Speaker in the chair.

House Bill No. 98 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Hardesty,	Rumsey,
Baker,	Hatch,	Satterwhite,
Baxter,	Heller,	Schmuck,
Billingsley,	Hedrick,	Scott,
Blocher,	Hollingsworth,	Shirley,
Branham,	Hoyer,	Smith,
Butts,	Johnson,	Spellman,
Butterworth,	Jones,	Stanley,
Broadbush,	Kimball,	Shutt,
Canthorn,	King,	Strange,
Clark,	Kirkpatrick,	Teeter,
Cline,	Lenfesty,	Tingley,
Coffman,	Martin,	Thompson, of Spencer,
Cobb,	Melletts,	Thompson, of Elkhart,
Cole,	Miller,	Thayer,
Crumpacker,	McKinney,	Troutman,
Durham,	McConnell,	Tulley,
Eaton,	North,	Walker,
Edwards, of Lawrence.	Odle,	Wilson, of Ripley,
Ellsworth,	Offutt,	Wilson, of Jay,
Eward,	Ogden,	Willard,
Furnas,	Peed,	Wessner,
Gifford,	Prentiss,	Wolfen,
Given,	Pfrimmer,	Woollen,
Glasgow,	Reeder,	Wood,
Glazebrook,	Reno,	Woodard,
Goble,	Reeves,	Wynn,
Goudie,	Richardson,	Mr. Speaker—85.
Gregory,		

Mr. Claypool voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Walker, chairman on the judiciary committee, submitted the following majority report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. 5, entitled "An act to amend an act entitled an act to exempt property from sale in certain cases," have had the same under consideration, and have directed that the same be reported back to the House with recommendation that the same be indefinitely postponed.

Mr. Shirley, from the committee on the judiciary, submitted the following minority report :

MR. SPEAKER :

The committee on the judiciary having had under consideration House Bill No. 5. "An act to amend section one of an act to exempt property from sale in certain cases," approved February 17th, 1852, the undersigned begs leave to submit the following minority report. Believing such legislation is necessary, they recommend that said Bill No. 5 be passed by the House.

W. S. SHIRLEY.

Mr. Cauthorn moved to lay the minority report on the table.

Whereupon Messrs. Given and Brett demanded the ayes and noes.

Those who voted in the affirmative were Messrs.

Anderson,	Blocher,	Coffman,
Baker,	Butts,	Cole,
Barrett,	Broadbuss,	Cowgill,
Baxter,	Clark,	Crumpacker,
Billingsley,	Cline,	Durham,

Ellsworth,	Lee,	Schmuck,
Eward,	Lent,	Scott,
Glasgow,	Miller,	Stanley,
Glazebrook,	McKinney,	Shutt,
Goble,	McConnell,	Strange,
Goudie,	North,	Teeter,
Hatch,	Odle,	Tingley,
Heller,	Ogden,	Troutman,
Hoyer,	Peed,	Tulley,
Johnson,	Prentiss,	Walker,
Jones,	Reeder,	Wilson, of Ripley,
Kimball,	Reno,	Wilson, of Jay,
King,	Reeves,	Wolfen,
Kirkpatrick,	Riggs,	Woollen,
Lenfesty,	Rumsey,	Wynn—59.

Those who voted in the negative were, Messrs.

Branham,	Hardesty,	Spellman,
Brett,	Henderson,	Thompson, of Spencer,
Butterworth,	Hedrick,	Thompson, of Elkhart,
Cauthorn,	Hollingsworth,	Thayer,
Claypool,	Martin,	Willard,
Cobb,	Melletts,	Wesner,
Eaton,	Offutt,	Wood,
Edwards, of Lawrence,	Pfrimmer,	Woodard,
Gifford,	Richardson,	Whitworth,
Given,	Satterwhite,	Mr. Speaker—32.
Gregory,	Shirley,	

So the minority report was laid upon the table.

Mr. Kimball offered the following resolution :

Resolved, That the Bill be committed, with instructions to amend the same by making the exemption three hundred dollars, and the books, implements, tools or other property of the debtor, used in his profession, trade or calling, not exceeding one thousand⁰⁰/₁₀₀ dollars.

Which was adopted.

So the bill was recommended with instructions to so amend and report accordingly.

Mr. Kirkpatrick offered the following resolution :

Resolved, That in all cases where committees report favorable on any bill submitted for their consideration, this House does order that the same be printed in sufficient number to supply each member with a copy thereof.

Which was not adopted.

Mr. Cauthorn's resolution in relation to the asserted claim in favor of the State of Indiana against the Terre Haute Railroad, was taken from the Speaker's table.

Which was laid over by consent.

Mr. Furnas offered the following resolution :

WHEREAS, The members of this House have learned that a National Convention of breeders of shorthorned cattle is about assembling in this city for an interchange of opinions on that important branch of husbandry ; and,

WHEREAS, This House has learned that many distinguished citizens from other States have already in this city for that purpose ; therefore,

Resolved, That this House cordially invite all those assembling in this city for the purpose aforesaid to the occupancy of this chamber after to-morrow during the remainder of this week, if the convention should see fit to do so.

Which was adopted.

Mr. Cole presented a memorial from the Trustees of the Indiana Agricultural College, now called Purdue University, praying for an appropriation of \$100,000.

Which was referred to the committee on education.

The following communication was received from the Auditor of State.

STATE OF INDIANA,
OFFICE OF AUDITOR OF STATE,
INDIANAPOLIS, Nov. 26, 1872.

Hon. William K. Edwards,

Speaker of the House of Representatives:

In compliance with a resolution of the House of Representatives of the 26th inst., requesting advanced sheets of such portion of my report as relates to the subject of the State printing, I would respectfully represent that in compliance with a similar request from the Senate, advance sheets of my report on that subject have been printed. Having a sufficient number of them to meet the above request of the House, they are herewith presented, hoping you will overlook the apparent discourtesy on finding them addressed to the President of the Senate.

Respectfully,

JOHN C. SHOEMAKER,

Auditor.

Mr. Lenfesty introduced

House Bill No. 130. An act to render uniform the rate of interest from the common school funds of the State of Indiana.

Which was read a first time, and referred to the committee on education.

Mr. Kimball introduced

House Bill No. 131. An act for the prevention of cruelty to animals and prescribing punishment therefor.

Which was read a first time and referred to the committee on the judiciary.

Mr. Kimball introduced

House Bill No. 132. An act defining wife whipping, and prescribing punishment therefor.

Which was read a first time and referred to the committee on rights and privileges.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claims of the Indianapolis Journal company for one thousand four hundred and eighty-one dollars and five cents, have had the same under consideration and recommend that it be allowed.

Which was concurred in, with instructions to the committee on ways and means that but six per centum per annum be allowed on said claims.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claims of R. J. Bright and company for one thousand four hundred and eighty-one dollars and five cents, have investigated the claim and recommend that the same be allowed.

Which was concurred in, with instructions to the committee on ways and means that but six per centum per annum be allowed on said claim.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims to whom was referred the claims of the Indianapolis Journal Company, for twenty-two dollars, have examined said claim and recommend that it be allowed.

Which was concurred in.

The claim of Joselyn & Brothers was withdrawn from the committee on claims.

Mr. Walker, chairman of the committee on judiciary, submitted the following report.

MR. SPEAKER :

Your committee on judiciary to whom was referred House Bill No. 89, entitled "An act to amend section forty-nine and eighty-seven of an act providing for the settlement of decedents estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and certain forms to be used in such settlements," approved June 17, 1852, have had the same under consideration and direct me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Miller, from the committee on the judiciary, submitted the following report.

MR. SPEAKER :

Your committee on judiciary, to whom was referred House Bill No. 93, entitled "An act to amend section sixteen of an act to enable persons whose wives are insane to convey real estate," approved March 2, 1859, have had the same under consideration and direct me to report it back to the House with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Woollen, from the committee on the judiciary, submitted the following report.

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 74, being an act to amend section ninety of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in criminal actions in the Courts of this State," approved June 17, 1852, having had the same under consideration and find the subject matter thereof embraced in House Bill No. 35.

They therefore report said Bill No. 74 back to the House with the recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Shirley, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary have had under consideration House Bill No. 30, "An act to amend section 445 of an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in this State; to abolish distinct forms of actions at law, and to provide for administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and recommend that said bill be so amended as to strike out sections two and three of said bill; and after the same be so amended, said committee recommends its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Ogden, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary to whom was referred House Bill No. 91, entitled "An act to amend an act concerning promissory notes and bills of exchange, approved, May 12, 1852, and an act, entitled an act concerning promissory notes and bills of exchange, bonds or other instruments of writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to perform any stipulation therein mentioned, and repealing all laws in conflict therewith," approved, March 11, 1861, have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Johnson, from the committee on judiciary, submitted a report on House Bill No. 35.

Which was reported back to the committee for correction.

Mr. Glazebrook presented a petition of sundry citizens, asking the repeal of the draining law.

Which was referred to the committee on the judiciary.

Mr. Gregory introduced

House Bill No. 133. An act to repeal section 53 and 98, and amend section 97 of an act, entitled, "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the committee on judiciary.

Mr. Gregory introduced

House Bill No. 134. An act to fix the time of holding Circuit Courts, and the length of the terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for return of process thereto.

Which was read a first time, and referred to the following select committee:

Messrs. Gregory, Hatch and Cole.

Mr. King offered the following resolution :

Resolved, That the committee on railroads be authorized to employ one clerk.

Which was adopted.

Mr. Wynn was granted leave of absence until Monday next.

Mr. Henderson, from the select committee to whom was referred that part of the Governor's message in relation to the late Norman Eddy, submitted the following report :

MR. SPEAKER :

The select committee to whom was referred so much of the Governor's message as relates to the late Norman Eddy, have had the same under consideration and unanimously submit the following report :

Your committee feel that His Excellency, in his allusion to the late Norman Eddy, has not only gained credit for himself as an individual, but has conferred honor upon the exalted official position he now fills. To forget and disregard the feelings of the partizan at the grave of a political opponent, and listen only to the voice of humanity, will ever meet the approbation of right thinking people. No less commendable is the action of His Excellency in the appointment of his successor, and in the opinion of the committee should be followed in future by all persons empowered to fill vacancies in like case. Your committee feel that His Excellency has not done more than simple justice in thus alluding to the decedent in his message to the General Assembly. The late Norman Eddy was no ordinary man, and his death has created a void which will long remain unfilled. In all his official positions which he filled after he came to the State, he demonstrated that he was the noblest work of God—an honest man.

He was born in the State of New York, but removed to Indiana in 1839, and settled in St. Joseph county, Indiana. In 1844 he was a candidate for the Legislature, but as yet being a partial stranger he was defeated by the Hon. William Miller. Some men are most popular where least known, but not so with Colonel Eddy, his popularity increased with his acquaintance. In 1845 he was elected Justice of the Peace by his neighbors. In 1849, was elected a member of the State Senate, and in October 1852, was elected to Congress of the United States. In the confusion of political parties which resulted from the repeal of the Missouri Compromise, he was defeated for Congress in 1854 by a small majority by the Hon. Schuyler Colfax, the present Vice-President of the United States. In 1856 he was appointed District Attorney for Minnesota. In 1859 commissioner for the sale of Indiana trust land in Kansas, a position offering a wide door for private speculation. He was afterward appointed on the board to investigate the alleged frauds in the sale of swamp lands in Indiana. At the breaking out of the rebellion he was commissioned a Colonel of Indiana volunteers on the 16th of October 1861, and did gallant service in the defense of his country until July 11, 1863, when he was compelled to resign in consequence of wounds received in battle.

In the year 1866 he was appointed Collector of Internal Revenue for his District. In 1870 he was elected by the people Secretary of State for Indiana, which office he ably filled until his death, on the 11th day of January, 1872. It is needless for your committee to

suggest that all the various official positions which he occupied were ably and faithfully filled, for the unanimous expression of his fellow citizens is to that effect; and the breath of suspicion has never tainted the purity of his official life. The fact that he filled so many and so various official positions of trust and profit by virtue of which he might have enriched himself if he had wished to depart from the path of integrity. And that he did enjoy the confidence of the people, and left a limited estate for his family, is a standing witness of his purity and integrity. In view of these facts, your committee recommends that the House adopt the following resolutions :

Resolved, That we have heard with profound regret of the death of Colonel Norman Eddy, and feel that the State, in his death, has lost a valuable and worthy citizen.

Resolved, That the House specially commends the noble action of His Excellency Governor Baker, in filling the vacancy in the office of Secretary of State by his death, and hope the precedent will never be departed from in the future by any one having the power of appointment in like cases.

Resolved, That appreciating the ability and eminent public services rendered the country, in council and in the field, by the decedent, we commend his widow and children to the sympathy and tender regards of his fellow citizens without regard to party predelection.

Resolved, That a copy of the above resolutions be forwarded to the family of the decedent by the Clerk of the House.

All of which is respectfully submitted.

JOSEPH HENDERSON,
HENRY S. CAUTHORN,
W. W. BUTTERWORTH,
CHARLES G. OFFUTT,
MARTIN WOOL,

Which was unanimously concurred in.

Mr. Jones was granted leave of absence until Monday next.

On motion of Mr. Woodard,

The House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING.

NOVEMBER 27, 1872, 9 o'clock.

The House met pursuant to adjournment, with the Speaker in the chair.

Prayer was offered by the Rev. Wm. F. Harmed, of Indianapolis.

The Journal of yesterday was read in part, when,

On motion, the further reading of the same was dispensed with.

Reports of standing committees.

Mr. Edwards, of Lawrence, from the committee on the organization of the Courts submitted the following report.

MR. SPEAKER:

Your committee on the organization of Courts have had under consideration House Bill No. 104, entitled "An act to amend the seventy-eighth (78) section of an act, entitled "An act to revise, simplify and abridge the rules of practice pleadings and forms in criminal actions in the Courts of this State," approved June 17, 1852, report the same back to the House and recommend its passage.

Which bill was read a second time and ordered to be engrossed.

Mr. Claypool, from the committee on the organization of Courts submitted the following report.

MR. SPEAKER:

The committee on organization of Courts to whom was referred House Bill No. 118, an act, entitled "An act making the parties

competent witnesses as to certain matters in actions by executors and administrators upon contracts assigned to the decedent have had the same under consideration and directed me to report the same back with the recommendation that it pass.

Which bill was read a second time and ordered to be engrossed.

Mr. Thompson, of Spencer, was granted leave of absence until Monday next.

Mr. Hedrick, chairman of the committee on rights and privileges, submitted the following report.

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House Bill No. 101, have had the same under consideration and recommend that it be amended by striking out the third section, after which we recommend its passage.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Broadus, chairman of the committee on engrossed bills, submitted the following report :

MR. SPEAKER :

Your committee on engrossed bills to whom was referred engrossed bills Nos. 30 and 92 of the House of Representatives, have compared the same with the original copies and find them in all respects properly engrossed.

Mr. Pfrimmer, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House Bill No. 186, entitled an act to amend an act entitled "An act providing for the protection of fish," have had the same under consideration, and have directed me to report the same back with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Clark, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House Bill No. 107, have had the same under consideration, and recommend its passage.

Which bill was read a second time.

Mr. Hedrick, from the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House Bill No. 116, have had the same under consideration, and recommend its passage.

Which bill was read a second time and ordered to be engrossed.

Mr. Branham, from the committee on railroads, submitted the following report :

MR. SPEAKER :

The committee on railroads, to whom was referred House Bill No. 70, have had the same under consideration, and have directed me to report it back to the House and recommend its passage.

Which bill was read a second time, and ordered to be engrossed.

Mr. Reeves, chairman of the committee on roads, submitted the following report :

MR. SPEAKER :

The committee to whom was referred House Bill No. 97, have had the same under consideration, and recommend its indefinite postponement.

Which report was concurred in, and the bill indefinitely postponed.

INTRODUCTION OF BILLS, RESOLUTIONS AND PETITIONS.

Mr. Kimball offered the following resolution :

Resolved, That the committee on ways and means be instructed to embrace in their specific appropriation bill, the sum of \$445, to defray the expenses of the funeral of the late Hon. Norman Eddy.

Which was adopted.

Mr. Baker presented the claim of the Jeffersonville Railroad Company against the State of Indiana, for transportation of persons during the years of 1865 and 1866.

Which was referred to the committee on claims.

Mr. Given offered the following resolution :

Resolved, That the Auditor of State, be requested to furnish for the use of the members of the House, the advance sheets of so much of his report as pertains to the sinking fund.

Which was adopted.

Mr. Mellett offered the following resolution :

Resolved, That a committee of five be appointed to determine and adopt means for the best ventilation and heating of the Hall of this House, and to instruct the Doorkeeper accordingly, who shall be held strictly responsible for carrying out such instructions.

Which was adopted.

Mr. Thompson, of Elkhart, introduced

House Bill No. 135. A bill to amend section 2 of an act entitled "An act providing for the redemption of real property or any interest therein sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases and for the execution of conveyances and repealing all laws in conflict therewith," approved June 17, 1861.

Which was read a first time and referred to the committee on judiciary.

Mr. Lenfesty introduced

House Bill no 136. An act to amend section six hundred and fifty-four, (654) of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which bill was read a first time and referred to the committee on the judiciary.

Mr. King presented a claim from W. P. & E. P. Gallup for rent of rooms.

Which claim was referred to the committee on claims.

Mr. Johnson, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 35, entitled "A bill to amend an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State,'" approved June 17, 1852, have duly considered said bill, and instruct me to return the same to the House with the recommendation that it be amended as follows, to-wit:

1. Strike out all of the fourth clause of section 1, except the words "forth the defendant," and instead of the words so stricken out insert the following: "At his own request, but not otherwise; nor shall his neglect or refusal to testify create any presumptions against him; nor shall any reference be made to, nor any comment upon such neglect or refusal."

2. Strike out all of section 2.

And when said bill is so amended your committee recommend that it pass.

Which report was concurred in, the amendments adopted, the bill read a second time, and ordered to be engrossed.

Mr. Johnson introduced House Bill No. 137, as instructed by the committee on the judiciary :

MR. SPEAKER:

Your committee on the judiciary have instructed me to introduce the accompanying bill, entitled "A bill to amend an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State.'"

A bill to amend an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which bill was read a first time and passed to a second reading without reference.

Mr. North introduced

House Bill No. 138. An an to amend the third section of the act, entitled "An an to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay debts contracted for erection of such buildings authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds," approved March 11, 1867.

Which was read a first time and referred to the committee on education.

Mr. North introduced

House Bill No. 139. An act relating to expenses incurred by one county by change of venue from another county.

Which was read a first time and referred to the committee on the judiciary.

Mr. Woodard offered the following resolution :

Resolved, That the three committees meeting in the Singer Sewing Machine Company building, be allowed a room-keeper, and the committee on employes be discharged.

Which was adopted.

Mr. Woodard introduced

House Bill No. 140. An act repealing an act providing for the protection of fish and repealing all laws in conflict with the same prescribing penalties for the violation thereof, approved February 22, 1871

Which was read a first time and referred to the committee on agriculture.

Mr. Mellett introduced

House Bill No. 141. A bill to amend section seven of an act, entitled "An act regulating the granting of divorces, nullifications of marriages and decrees and orders of Court incident thereto, and declaring an emergency."

Which was read a first time and referred to the committee on the judiciary.

Mr. Smith introduced

House Bill No. 142. A bill for an act giving a lien to lessors in certain cases, prescribing some of the duties of lessors, and exempting growing crops from sale on execution until after maturity.

Which was read a first time and referred to the committee on the judiciary.

Mr. Butterworth introduced

House Bill No. 143. An act to amend section one of an act entitled "An act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph County, Indiana," approved January 15th, 1844.

Which was read a first time and referred to the committee on corporations.

Mr. Cowgill introduced

House bill No. 144. An act to provide for the crossing of railroads, the keeping in repair of such crossings, and for the expense thereof.

Which was read a first time and referred to the committee on railroads.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following resolution of the Senate, which reads as follows, to wit:

Senate Joint Resolution No. 1. A joint resolution in regard to the improvement of the Ohio and Wabash rivers and their tributaries.

And the same is herewith transmitted to the House.

Mr. Gregory introduced

House Bill No. 145. An act to amend sections seventeen and twenty of an act approved June 16th, 1852, entitled "An act to provide for the opening, vacating, and change of highways."

Which was read a first time and referred to the committee on the judiciary.

Mr. Mellett, chairman of the committee on education, submitted the following report:

The committee on education, to whom was referred House Bill No. 56, appropriating twenty thousand dollars annually for the use of the Indiana University, located at Bloomington, Indiana, having had the same under consideration, report the same back to the House and recommend its passage.

Mr. Richardson offered the following amendment:

Amend by striking out "twenty thousand" and insert "ten thousand."

Which was not adopted.

So the report was concurred in and the bill read a second time, and,

On motion of Mr. Branham,

The bill was laid upon the table.

Mr. Shirley introduced

House Bill No. 146. An act to prevent the obstruction of ditches, drains and running streams, and prescribing penalties for the violation of the provisions of this act.

Which was read a first time and referred to the committee on swamp lands.

On motion of Mr. Given,

The regular order of business was suspended, and Senate joint resolution No. 1 was taken up.

A joint resolution in regard to the improvement of the Ohio and Wabash rivers, and their tributaries:

WHEREAS, The Ohio river flows along the entire southern boundary of this State for more than four hundred miles, and is the great national and free thoroughfare for a large part of the people of this State to use for the transportation of their products to market, both within and beyond our natural limits, and,

WHEREAS, The navigation of said rivers and their tributaries is in many other ways of great commercial importance to the people of the State, and

WHEREAS, The steamboats and other vessels used in carrying on the commerce and trade of said rivers, are rendered useless and idle for long seasons of the year on account of low water, and obstructions in the channel of said rivers, and

WHEREAS, The Ohio River improvement commissions; a commission created by the joint action of several States of the Union interested in the improvement of the Ohio river and its tributaries, recently convened in the city of Cincinnati, in the State of Ohio, and many eminent civil engineers are of the opinion that said river and their tributaries might be greatly improved by a judicious expenditure of a reasonable amount of money by the United States; therefore be it

Resolved, By the General Assembly of the State of Indiana, that our Senators in Congress be instructed and our Representatives be requested to urge upon Congress the improvement of the Ohio and Wabash rivers and their tributaries, so if possible render said rivers and their tributaries navigable at all seasons, for any and all steamboats and vesseles now in use upon the same. Be it further

Resolved, That His Excellency, the Governor, be requested to transmit to each of our Senators and Representatives in Congress a copy of this joint resolution.

Which was read and

On motion of Mr. King

Was referred to the committee on federal relations.

House Bill No. 71, was taken from the Speaker's table and laid over without further action.

House Bill No. 30 was taken from the Speaker's table and laid over without further action.

Mr. Cobb, chairman of the committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would respectfully report that they have examined Enrolled Joint Resolution No. 5, entitled "A joint resolution instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts," and find the same correctly enrolled.

House Bill No. 92 was taken from the Speaker's table and laid over without further action.

Mr. Furnas offered the following resolution:

Resolved, That the committee on temperance is hereby instructed to prepare and report to this House a bill prohibiting the sale of intoxicating liquors in any city, town or township unless a majority

of the voters of such city, town, county or precinct shall petition therefor.

Mr. Cauthorn moved to refer the resolution to the committee of the whole House, and to be made a special order for Tuesday next at 10 o'clock A. M.

Which motion did not prevail.

Mr. Rumsey offered the following amendment:

Amend by "requesting" committee.

Which was agreed to.

The question being, shall the resolution be adopted?

It was not agreed to.

On motion,

The House took a recess for twenty minutes.

On the House being called to order, Messrs. Kimball and Cauthorn were appointed a committee on the part of the House to wait upon the Senate and notify that body that the House is ready to receive the members thereof for the purpose of comparing the vote of yesterday for United States Senator.

JOINT CONVENTION.

The hour of 12 o'clock M., having arrived, the Senate came into the Hall of the House of Representatives and were seated on the right of the Speaker.

Hon. Geo. W. Friedley, President of the Senate, took his seat on the right of the Speaker, and called the Joint Convention to order.

The Journal of the Senate and House of Representatives were read to the Joint Convention, so far as the same has reference to the vote of the separate Houses had on yesterday for United States Senator in Congress.

Oliver P. Morton had received in the Senate twenty-seven votes.

In the House of Representatives, fifty-four.

The whole number of votes given in the two Houses for Oliver P. Morton, was eighty-one.

James D. Williams had received in the Senate, twenty-one votes.

In the House of Representatives, forty-one.

The whole number of votes given in the two Houses for James D. Williams, was sixty-two.

The President of the Joint Convention thereupon declared that Oliver P. Morton, having received a majority of all the votes cast in both Houses of the General Assembly of the State of Indiana, was duly elected Senator in Congress of the United States, from the State of Indiana, for the term of six years, from and after the 4th day of March, A. D. 1873.

The Joint Convention then adjourned *sine die*, and the Senate retired to its chamber.

Mr. Lee was granted indefinite leave of absence.

Mr. Cauthorn was granted leave of absence until Tuesday next.

Mr. Kimball presented the claims of Barbour & Jacobs for legal services rendered the State.

Which was referred to the committee on claims.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House, that he signed the following enrolled act of the House of Representatives, to-wit:

Enrolled Joint Resolution No. 5, House of Representatives. A joint resolution instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts, and the same is herewith returned to the House.

On motion of Mr. Butterworth,

The House adjourned until Monday next at 2 o'clock P. M.

MONDAY AFTERNOON.

DECEMBER, 2, 1872, 2 O'CLOCK.

The House met, pursuant to adjournment, with the Speaker in the chair.

The Journal of Wednesday, November 27, 1872, was read in part, when,

On motion,

The further reading of the same was dispensed with.

The order of business being, the introduction of bills, resolutions and petitions.

Mr. Wesner, introduced

House Bill No. 147. An act regulating the rate of interest upon the loan or forbearance of money or things in action, repealing all acts and parts of acts contravening the provisions of this act and declaring an emergency for the same.

Which was read a first time and referred to the committee on the judiciary.

Mr. Hardesty was called to the chair, and

Mr. Edwards, of Vigo, introduced

House Bill No. 148. An act defining certain felonies, and prescribing punishment therefor, compelling testimony of parties engaged therein against others than themselves, declaring contracts with respects thereto, void, and repealing all acts in conflict with this act.

Which was read a first time and referred to the committee on the judiciary.

Mr. Edwards of Vigo, introduced

House Bill No. 149. A bill to amend sections 39 and 131, of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Wesner introduced

House Bill No. 150. An act to repeal section two of an act, entitled "An act defining certain misdemeanors, and prescribing punishment therefor," approved, December 2, 1865.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Clark presented the petition of sundry citizens of Hamilton county, on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Kimball introduced

House Bill No. 151. An act to amend an act, entitled "An act to declare abandoned, certain unfinished railroads, and to provide for their completion to declare forfeited the franchises of certain railroad companies, and for the organization of new companies, and for making annual statements," approved, March 11, 1867.

Which was read a first time and referred to the committee on the judiciary.

Mr. Kimball introduced

House Bill No. 152. An act to amend an act entitled "An act to provide for the incorporation of railroad companies," approved May 11th, 1852.

Which was read a first time and referred to the committee on the judiciary.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the Senate, to wit:

Senate Bill No. 8. Entitled "An act to provide for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana," and declaring an emergency, and the same is herewith transmitted to the House.

Mr. Kimball presented petitions and claims of Jonathan W. Gordon, Guttentburg Company, J. C. Graham and others against the State of Indiana.

Which was referred to the committee on claims.

The Speaker took the chair and continued the call of counties.

Mr. Branham introduced

House Bill No. 153. An act to provide for the call of a convention of the people of the State of Indiana, to form a constitution for said State.

Which was read a first time and referred to the committee on the judiciary.

Mr. King introduced

House Bill No. 154. An act to amend an act entitled "An act to make appropriations for certain purposes, and upon certain conditions, and making provisions for the current expenses of the benevolent institutions of the State in cases where the State fails to make the necessary appropriations therefor," approved May 12th, 1869, and declaring an emergency to exist.

Which bill was read a first time, and referred to the committee on the judiciary.

Mr. Furnas presented petitions of sundry citizens of Hendricks County on the subject of temperance.

Which were referred to the committee on temperance.

Mr. Walker introduced

House Bill No. 155. An act providing for a general system of common schools in all cities of eight thousand and more inhabitants, and for the election of a board of school commissioners of such cities, and defining their duties and prescribing their powers and providing for common school libraries within such cities, and providing that cities having a less population than eight thousand inhabitants may, by a majority vote of the members of the Common Council, order the election of members of a board of school commissioners according to the provisions therein, and defining their powers and duties, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time and referred to the committee on education.

On motion of Mr. Furnas,

The House adjourned until to-morrow morning at 9 o'clock, A. M.

TUESDAY MORNING,

DECEMBER 3, 1872, 9 O'CLOCK.

The House met, pursuant to adjournment, with the Speaker in the Chair.

Prayer was offered by the Rev. Charles H. Raymond, of Indianapolis.

The Journal of yesterday was read and approved.

Mr. Hardesty offered the following resolution :

WHEREAS, It is with deep respect, that the House of Representatives, of the General Assembly of the State of Indiana, has heard of the death of Horace Greeley, the Journalist, Philosopher and Philanthropist ; therefore, be it

Resolved, That in his death, the nation has lost one of its foremost men, journalism its chieftain, philanthropy a devotee, science a practical worker, and the millions of toiling people of America, a fast friend.

Resolved, That as a mark of appreciation of the genius of the man, when living, and of respect to his memory now, that he has gone to his rest. That this preamble and resolution be spread upon the Journals of the House.

On motion of Mr. Rumsey,

The preamble and resolution was referred to a select committee, consisting of the following named gentlemen :

Messrs. Rumsey, Hardesty, Cauthorn, Buskirk and Richardson.

REPORTS OF STANDING COMMITTEES.

Mr. Butterworth, chairman of the committee on swamp lands, submitted the following report:

MR. SPEAKER:

The committee on swamp lands have had under consideration House Bill No. 76, for an act to amend an act to enable the owners of wet lands to drain and reclaim when the same can not be done without affecting the lands of others, approved March 11th, 1867, and have directed me to report the same back with the following amendments, and when adopted recommend its passage:

Amend in section six, (fourth line), by striking out the words "Court of Common Pleas," and insert in place thereof the words "Circuit or Common Pleas Court."

Amend by adding the following after section seven:

Section eight. When the assessors have appraised the benefits or damages to any tract of land, and have made an error in the descriptions of the same in their report of assessment, such error may be amended on the trial in courts of any cause under this act, said error being alleged in the complaint and found on trial.

Which report was concurred in and the amendments approved, the bill read a second time, and,

On motion of Mr. Heller,

The bill was laid upon the table and three hundred copies ordered to be printed for the use of the members of the House.

The following message was received from the Governor by his Private Secretary, John M. Commons.

MR. SPEAKER:

By direction of the Governor I have the honor to transmit here-

with a communication, accompanied by the annual report of the Trustees and Superintendant of the Institution for the Education of the Deaf and Dumb.

JOHN M. COMMONS,
Private Secretary.

The following message was received from the Governor by his Private Secretary, John M. Commons:

MR. SPEAKER:

By direction of the Governor I have the honor to transmit herewith a communication accompanied by the annual report of the Treasurer of State.

JOHN M. COMMONS,
Private Secretary.

HON. W. K. EDWARDS:

Speaker of the House of Representatives:

SIR: I have the honor to transmit herewith the report of Hon. James B. Ryan, Treasurer of State, for the fiscal year ending Oct. 31st, 1872, and to respectfully suggest that the usual number of copies thereof be directed to be printed without delay.

CONRAD BAKER,
Governor.

The following message was received from the Governor by his Private Secretary, John M. Commons, in relation to the Wabash and Erie Canal.

MR. SPEAKER:

By direction of the Governor, I have the honor to transmit herewith a communication, accompanied by certain documents, giving information in regard to the unsurrendered internal improvement bonds of the State.

JOHN M. COMMONS,
Private Secretary.

Gentlemen of the House of Representatives :

I have the hono to acknowledge the receipt of a copy of a preamble and three separate resolutions, passed by the House on the 19th ultimo, in relation to the Indiana bonds or stocks held by John W. Garrett, Esq., and other kindred matters.

I was not in possession of all the information requested by the resolutions, and an effort to procure it has caused the delay in my response.

The first of the three resolutions above mentioned, requests me to inform the House :

First. Under what authority of the State of Indiana the bonds held by Garrett were issued ?

Second. The date of the act under which they were issued ?

Third. The amount of principal, interest and costs the State Treasury will have to furnish if the bonds are paid according to my recommendation ?

In response to the first and second of these inquiries, I beg leave to say that according to the proofs taken in the case now pending in the Cass Circuit Court, wherein said Garrett is plaintiff, and the Trustees of the Wabash and Erie Canal, and others, are defendants, the said Garrett holds thirty one dollar bonds of \$1,000 each, and ten sterling bonds for £225 sterling each. They were issued by and under the authority of the General Assembly of this State contained in the act hereinafter referred to. The thirty one dollar bonds were issued under the act approved January 27, 1836, entitled "An act to provide for a General System of Internal Improvements." (See Revised Statutes of 1836, page 341, section 8.

Nine of the ten sterling bonds held by Garrett were issued under the same act. The one other sterling bond held by said Garrett was issued under the act of February 12, 1839, and I apprehend is not a lien upon the canal, or any of the public works formerly owned by the State.

As to the amount of principal and interest that the treasury would be required to furnish to pay these forty-one bonds, if the General Assembly shall direct their payment, I am not prepared to give exact information, as it involves questions of interest and exchange,

requiring long and tedious calculations, which I have not time to make. These questions have been referred to a Special Master, with directions to report thereon to the Court by the 27th instant. The amount, however, due to Garrett, will not vary largely from \$160,000, including principal, interest and exchange. As to the costs, I have no means of forming even an approximate estimate.

For the information of the House, I herewith respectfully transmit a copy of one of the dollar bonds, and also one of the sterling bonds held by Garrett, with a copy of one of the unpaid coupons thereto attached, and marked respectively "A" and "B."

No interest has been paid on any of these bonds since January 1, 1841. The above estimate of \$160,000 only includes the bonds held by Garrett, and does not include those held by others who may become parties to the suit.

The second of said resolutions to which this is a response, requests me to inform the House under what authority of the State of Indiana the bonds held by William H. Beers and others, whose payment was sought to be enforced by suit in the Circuit Court of the United States some ten years since, were issued, the date of the act authorizing their issue, the amount of the said bonds with interest and costs, and what was the final issue of said legal proceeding subsequent to the decision of the United States Supreme Court, reported in 2 Black's Supreme Court Reports, and whether said bonds are paid, and if so who paid them, and what amount the Trustees of the Wabash and Erie Canal were compelled to disburse out of the trust funds in consequence of said litigation.

In response to this resolution, I beg leave to say that, the case of Beers vs. The Trustees of the Wabash and Erie Canal, reported in 2 Black, page 448, and referred to in the resolution, itself shows that Beers held two bonds of \$1,000 each, which were the foundation of this suit, and that they were issued under the act of the General Assembly of Indiana of the 7th of January, 1832. Said bonds, as already stated, were for the sum of \$1,000 each, but I have no means of information, except the communication of Hon. Thomas Dowling, hereinafter referred to, as to the amount of interest that accrued or was paid on said bonds, or as to the costs that accrued or were paid in the suit. I am informed that the Circuit Court of the United States, after the case was sent back from the Supreme Court, made a decree in conformity with the opinion of the Supreme Court enforcing the payment of the bonds, and that they were paid, together with the interest and costs by the Trustees of the Wabash and Erie Canal.

All the information I have in these matters I derive from a letter written, at my request, to me by Hon. Thomas Dowling, resident Trustee of the Wabash and Erie Canal, a copy of which I herewith respectfully submit, marked "C," and I have no doubt of the correctness of the statements therein made.

The third resolution requests me to give my opinion "whether, if the State, out of abundant precaution, with accustomed generosity, *ex gratia*, makes provision for the payment of the Garrett bonds, as recommended," etc, "the State will ever in the future be threatened or harrassed on account of unsurrendered internal improvement bonds by any other person or persons, or by any corporation, trust or other source whatever, and whether such payment by the State can be construed into a breach of plighted faith on the part of the State by reason of the latter proviso of section 8 of an act approved January 27, 1847, being an act supplemental to an act commonly called the Butler Bill."

In response to the first part of this resolution, I beg leave to say that I do not consider the redemption of the bonds held by Mr. Garrett, or the redemption of other similar bonds held by others, still outstanding, to be at all a matter of generosity or mere favor to the bondholders. If I did so consider it, I should never recommend their payment. In my judgment, it is a matter of duty and not a matter of favor on the part of the State to pay these bonds, because they were issued by her authority and she pledged her faith for their payment, and because she is abundantly able to pay them. I think it is perfectly clear, from all the evidence that can be attained, that the whole number of old bonds still outstanding, issued prior to the year 1841, does not exceed one hundred and ninety-one (191), a majority of these being dollar bonds of \$1,000 each, and the rest being sterling bonds of two hundred and twenty-five pounds sterling each, one of the latter being equivalent in value to one of the former.

I suppose that the payment of the forty-one bonds held by Mr. Garrett will imply the duty on the part of the State of paying the remaining one hundred and fifty by whomsoever held, and I have on several occasions recommended, and now recommend, the payment of all of them. If this shall be done, I can not imagine how, or by whom the State could be threatened or harrassed on account of unsurrendered Internal Improvement bonds from any quarter whatever, for the simple reason that there will then be no other old bonds of the State upon which to predicate threats or annoyance.

I might say that the evidence taken in the case pending in Cass county has accounted for one hundred and fifty-four of the one hundred and ninety-one old bonds still supposed to be outstanding, by showing where and by whom they are held, leaving thirty-seven thereof still unaccounted for. I believe that some of these thirty-seven bonds will never be presented or accounted for, as it would be wonderful if some of them, after the lapse of so long a time, had not been lost or destroyed, especially when it is considered that no interest has been paid on them since 1841, and in consequence thereof the holders would be likely to esteem them of little value.

As to the question whether the payment by the State of these old bonds can be construed into a breach of plighted faith on her part, by reason of the latter proviso of Section 8, of the Act approved January 27, 1847, I beg leave to submit it as my opinion that no such conclusion can be justly drawn from the payment if it shall be made.

The proviso to which the resolution refers reads as follows, viz:

“Provided further, That the State will make no provision whatever hereafter to pay either principal or interest on any Internal Improvement bond or bonds until the holder or holders thereof shall have first surrendered said bonds to the Agent of State, and shall have received in lieu thereof certificates of stock as provided in the first section of this act.”

In my judgment, this provision is void in morals and in law, because it stipulates that the State will not perform its obligations to its creditors until they shall accede to material conditions not contained in the original contract. Such a stipulation between a natural person who was indebted, with one or more of his creditors, that he would never pay the rest of his creditors unless they acceded to new conditions not contained in the original contracts, would be null and void, and the courts, instead of compelling the debtor to perform such stipulation would compel him to break it by paying his debts to the extent of his ability. Sovereignities who can not be sued ought to do voluntarily the same things which individuals, under like circumstances, would be compelled by the courts to do.

Besides, these bonds were contracts of the State, protected by that clause of the constitution of the United States which prohibits States from passing laws impairing the obligation of contracts.

The Supreme Court, in the case in 2 Black, before alluded to, expressly hold that the Legislature of Indiana could not, by the

act of 1847, impair the obligation of her contracts previously made.

It is worthy of note that the holders of the Canal Stocks charged exclusively upon the Wabash and Erie Canal, have, within the last two weeks, presented to both Houses of this General Assembly their printed protest against the payment of these old bonds. Now, if their payments would, as is assumed by some, create an obligation on the part of the State to pay the canal debt, is it possible that the holders of this debt would protest against the doing of the very thing which would secure to them the payment of their debt, or at least create on the part of the State an obligation to pay it? The very fact that they thus protest is conclusive to my mind that the Garrett suit was commenced and prosecuted in the interests of the holders of the Canal Stocks, and that they desired that Garrett's lien should be enforced by a decree of sale or sequestration, and the trust thereby destroyed so that they might make this destruction the basis of a claim against the State for the payment of the Canal debt.

Respectfully submitted,

CONRAD BAKER,

Governor.

EXHIBIT A.

UNITED STATES OF AMERICA,

STATE OF INDIANA.

1,000.

No. 216.

INTERNAL IMPROVEMENT LOAN.

Five Per Cent. Stock.

Under the act of the General Assembly of the State of Indiana, entitled "An act to provide for a general system of internal improvement in Indiana," approved January 27, 1836, and an act providing for the further construction of the Madison and Lafayette Railroad, approved February 6, 1839.

Know all men by these presents: That there is due from the State of Indiana to the Morris Canal and Banking Company, or bearer, the sum of One Thousand Dollars, bearing an interest of five per

centum per annum from the date hereof, the first of which interest is payable the first day of January next, and thereafter semi-annually, on the first days of July and January, at the banking house of the Morris Canal and Banking Company, at Jersey City, or at their agency office in the city of New York, on presentation and delivery of the dividend warrants severally subjoined, until payment of the principal sum, which principal sum being stock created in pursuance of the act of the General Assembly aforesaid, is payable in twenty-five years from the date hereof, and for the payment of the interest and the redemption of the principal aforesaid, at either of the places aforesaid, the faith of the State of Indiana is irrevocably pledged.

Witness our hands at Indianapolis, this first day of July, 1839.

MILTON STAPP,

LUCIUS H. SCOTT,

Commissioners.

Internal Improvement Loan under the act of January 27, 1836, Morris Canal and Banking Company, at Jersey City, or in the city of New York, pay to the bearer Twenty-five Dollars, being half a year's interest on bond No. 216, due July 1, 1841.

M. STAPP.

EXHIBIT B.

UNITED STATES OF AMERICA,

STATE OF INDIANA.

£225 St'g.

No. 2538.

INTERNAL IMPROVEMENT LOAN.

Five Per Cent. Stock.

Under the act of the General Assembly of the State of Indiana, entitled "An act to provide for a general system of internal improvements in Indiana," approved January 27, 1836.

Know all men by these presents, that there is due from the State of Indiana to ——— or bearer, the sum of Two Hundred and Twenty-five Pounds Sterling, bearing an interest of five per centum

per annum from the first day of July last, the first of which interest is payable the first day of January next, and thereafter, semi-annually, on the first days of July and January, at the banking house of N. M. Rothschild & Sons, in London, on presentation of the dividend warrants severally subjoined, until payment of the principal sum, being stock created in pursuance of the act of the General Assembly aforesaid; is payable in twenty-five years from the first of July last, and for the payment of the Interest and the redemption of the principal aforesaid, at the banking house of N. M. Rothschild & Sons, in London, the faith of the State of Indiana is irrevocably pledged.

Witness our hand at Indianapolis, this 1st day of May, 1840.

MILTON STAPP,

Commissioner.

N. B. PALMER,

Treasurer of State.

Indiana Internal Improvement Loan, under the act of January 27, 1836.

N. M. Rothschild & Sons, London, pay to the bearer £5 12s. 6d. sterling, being a half-year's interest on bond No. 2538, due July 1, 1841.

M. STAPP,

Commissioner.

EXHIBIT C.

TERRE HAUTE, Nov. 25, 1872.

MY DEAR GOVERNOR:—At your request, I have examined our record in regard to the redemption, by order of Court, of four *original* Wabash and Erie Canal Bonds, of the issue of August, 1832. These bonds were sold to parties in New York, by William C. Linton, Nicholas McCarty and Jeremiah Sullivan, Commissioners, the General Assembly of Indiana, in January 1832, having authorized a loan of \$200,000, for the purpose of *commencing* the construction of the Canal aforesaid. This was the first loan made by the State for Internal Improvement purposes. Bonds 69 and 70 were

held by Joseph D. Beers, and 53 and 54 by Israel Cohen. These bonds were redeemed in New York, at the office of Charles Butler, one of the Trustees of the Canal, and report made to the office at Terre Haute of such payment. The amount paid to the estate of J. D. Beers, for Bonds 69 and 70, principal and interest, was \$7,225.46, and to Israel Cohen \$5,026.55. But this was only a partial settlement as to Cohen's bonds. That gentleman subsequently procured an order of the Court ordering the payment of *interest* on the *coupons* from the date of their maturity. This additional sum was added to the redemption of bonds Nos. 53 and 54, equal to the sum paid to the estate of Beers. As the bonds were of the same date, with like number of coupons attached, the redemption of these four bonds cost the Board of Trustees the gross sum of \$14,450.92.

The Board also expended considerable sums of money in defending the validity of the Acts of 1846-'47. They not only were compelled to pay attorneys of their own selection, but the Courts, in their wisdom, decreed that adverse counsel should also be paid out of the Trust funds. They were so paid in obedience to such decrees.

In the case of Beers and Cohen, John Ferguson and others, and J. M. Garrett, the Trustees have endeavored to defend the legislation of the State from adverse interference, thus incurring expenses which you justly recommend to the attention of the General Assembly. This account will be made up whenever called for by the Governor.

Very truly, your obedient servant,

THOS. DOWLING,

Res. Trustee of W. and E. Canal.

HIS EXCELLENCY, CONRAD BAKER,

Indianapolis, Ind.

Mr. Gifford, from a select committee to whom was referred House Bill No. 83, submitted the following report:

MR. SPEAKER:

The select committee to whom was referred House Bill No. 83, have had the same under consideration, and in consultation with a committee of local operators, agreed to amend section 1 and section

11 of said bill, as herewith, and with said amendment would recommend its passage.

On motion,

The bill and amendments reported by the select committee, was referred to the committee on the judiciary.

Mr. Wilson, of Ripley, from the committee on insurance, submitted the following report:

MR. SPEAKER:

Your committee on insurance, to whom was referred House Bill No. 36, entitled, "An act to amend sections 1, 6 and 16 of an act, entitled, 'an act to incorporate the Franklin Insurance Company,'" approved February 13, 1851, have had the same under consideration, and request me to report the same back to the House, with the following amendment, viz:

Strike out the third section, and when so amended, they recommend the same do pass.

Which report was concurred in, the amendment adopted, the bill read a second time and ordered to be engrossed.

Mr. Gregory offered the following resolution:

Resolved, That the Attorney General of the State of Indiana be requested to give and submit to this House his written opinion upon the following propositions, to wit:

First. What additional liability, either moral, legal or equitable, if any, would the State of Indiana incur as to other outstanding internal improvement bonds by making an appropriation and paying the judgment of John W. Garrett, recently recovered in Cass County Circuit Court against the Trustees of the Wabash and Erie Canal?

Second. In what position, as to the payment of the bonds included in the Butler bill, would this State be placed if she permitted the Wabash and Erie Canal and other internal improvements upon which the Garrett judgment is a lien, to be sold to satisfy the judgment of John W. Garrett, recently recovered in the Cass County Circuit Court against the Trustees of the Wabash and Erie Canal?

Mr. Kimball moved to lay the resolution on the table.

Which motion did not prevail.

The question being, shall the resolution be adopted?

Messrs. Gregory and Given demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Baker,	Gregory,	Reno,
Blocher,	Hatch,	Riggs,
Branham,	Heller,	Satterwhite,
Buskirk,	Henderson,	Schnuck,
Butts,	Hedrick,	Shirley,
Cauthorn,	Hoyer,	Smith,
Claypool,	Isenhower,	Spellman,
Cline,	Jones,	Strange,
Coffman,	Martin,	Teeter,
Durham,	Miller,	Tulley,
Eaton,	McKinney,	Walker,
Edwards, of Lawrence,	McConnell,	Willard,
Ellsworth,	Offutt,	Wessner,
Givan,	Peed,	Wynn,
Goble,	Pfrimmer,	Mr. Speaker—47.
Goudie,	Rudder,	

Those who voted in the negative were, Messrs.

Anderson,	Gifford,	Ogden,
Baxter,	Gronendyke,	Reeves,
Billingsley,	Hollingsworth,	Richardson,
Butterworth,	Johnson,	Rumsey,
Broadus,	Kimball,	Scott,
Clark,	King,	Tingley,
Cobb,	Kirkpatrick,	Wilson, of Blackford,
Cole,	Lenfesty,	Wolflin,
Cowgill,	Melletts,	Woollen,
Crumpacker,	North,	Wood,
Furnas,	Odle,	Woodard—33.

So the resolution was adopted.

Mr. Shirley was granted leave of absence until Thursday next.

Mr. Wesner introduced

House Bill No. 156. An act to amend sections 4, 9, 10, 11 and 12 of an act, entitled, "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof.

Which was read a first time, and referred to the committee on rights and privileges.

Mr. Richardson introduced

House Bill No. 157. An act authorizing the funding of taxes collected in certain counties in the State of Indiana, for the years 1869 and 1870, upon erroneous and void assessments upon real estate, made by the district boards of equalization, and the State Board of Equalization, in the year 1869.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Offutt introduced

House Bill No. 158. An act declaring all railroad companies common carriers, to regulate the passenger fares, and tariff of freights thereon, requiring them to receive and discharge passengers and freights at all stations, to measure and pay for cord wood in certain cases, and providing jurisdiction and penalties for the enforcement of the provisions of this act, and declaring an emergency.

Which was read a first time, and referred to the committee on the judiciary.

The following message was received from the Governor, by his Private Secretary, John M. Commons:

HON. W. K. EDWARDS,

Speaker of the House of Representatives:

I herewith respectfully transmit through you to the House the annual report of the Trustees and Superintendent of the Institution

for the Education of the Deaf and Dumb, and respectfully suggest the passage of a concurrent resolution authorizing the printing of five thousand copies of the report—three thousand thereof for the use of members of the General Assembly, and two thousand thereof for the use of the Superintendent of said Institution, as provided for by sections 19 of the act to provide for the government and support of the institution, approved June 11th, 1852. Section 1, Gaven and Hord, page 289.

On motion of Mr. Branham,

The regular order of business was taken up.

The message of the Governor in relation to the institution for the education of the deaf and dumb, accompanied by the annual report of the Trustees and Superintendent was taken up and referred to the committee on benevolent institutions.

The Governor's message in relation to the Wabash and Erie canal bonds, was taken up, and

On motion of Mr. Branham,

Was laid upon the table, and one thousand copies ordered to be printed for the use of the members of the House.

The Governor's message, submitting the report of the State Treasurer was taken up, and

On motion of Mr. Branham,

Was laid upon the table, and the number of copies allowed by law, ordered to be printed for the use of the members of the House.

Senate Bill No. 8, was taken up.

An act to provide for the holding of courts in the Twenty-fifth Common Pleas District of Indiana, and declaring an emergency.

Which was read a first time and passed to second reading on tomorrow.

On motion of Mr. Miller,

The regular order of business was suspended, and House Bill No.

129 was taken from the Speaker's table and referred to the committee on ways and means.

House Bill No. 92 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gronendyke,	Riggs,
Baker,	Hardesty,	Richardson,
Baxter,	Hatch,	Rumsey,
Billingsley,	Heller,	Satterwhite,
Blocher,	Henderson,	Schmuck,
Buskirk,	Hedrick,	Scott,
Butts,	Hollingsworth,	Smith,
Butterworth,	Hoyer,	Spellman,
Broadbuss,	Isenhower,	Stanley,
Clark,	Johnson,	Shutt,
Claypool,	Jones,	Strange,
Cline,	Kimball,	Teeter,
Coffman,	King,	Tingley,
Cobb,	Kirkpatrick,	Thompson, of Elkhart,
Cole,	Lenfesty,	Troutman,
Crumpacker,	Lent,	Tulley,
Durham,	Martin,	Walker,
Eaton,	Miller,	Willson, of Ripley,
Edwards, of Lawrence,	McKinney,	Wilson, of Blackford,
Ellsworth,	McConnell,	Willard,
Eward,	North,	Wesner,
Furnas,	Odel,	Wolflin,
Gifford,	Offutt,	Woollen,
Givan,	Prentiss,	Wood,
Glasgow,	Pfrimmer,	Woodard,
Goble,	Rudder,	Wynn,
Goudie,	Reeves,	Mr. Speaker—82.
Gregory,		

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 30 was taken up, read a third, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Clark,	Hollinsworth,	Scott,
Cobb,	Johnson,	Strange,
Coffman,	King,	Troutman,
Eward,	Miller,	Tulley,
Glasgow,	Odle,	Wesner,
Goudie,	Offutt,	Willard,
Gregory,	Ogden,	Willson, of Ripley,
Henderson,	Satterwhite,	Wood—27.

Those who voted in the negative were, Messrs.

Anderson,	Gifford,	Peed,
Baker,	Givan,	Pfrimmer,
Baxter,	Goble	Prentiss,
Billingsley,	Gronendyke,	Reno,
Blocher,	Hardesty,	Richardson,
Brett,	Hatch,	Riggs,
Broaddus,	Hedrick,	Rudder,
Buskirk,	Heller,	Rumsey,
Butterworth,	Hoyer,	Schmuck,
Butts,	Isenhower,	Shutt,
Cauthorn,	Jones,	Spellman,
Claypool,	Kimball,	Stanley,
Cline,	Kirkpatrick,	Teter,
Cole,	Lenfesty,	Tingley,
Crumpacker,	Lent,	Thompson, of Elkhart,
Durham,	Martin,	Wilson, of Blackford,
Eaton,	McConnell,	Woodard,
Edwards, of Lawrence,	McKinney,	Wolfin,
Ellsworth,	North,	Mr. Speaker—57.

So the bill did not pass.

House Bill No. 71 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gronendyke,	Riggs,
Baker,	Hardesty,	Rumsey,
Baxter,	Hatch	Satterwhite,
Billingsley,	Hedrick,	Scott,
Blocher,	Henderson,	Shutt,
Branham,	Hollinsworth,	Spellman,
Buskirk,	Isenhower,	Stanley,
Butterworth,	Jones,	Strange,
Butts,	Kimball,	Teeter,
Clark,	King,	Tingley,
Cobb,	Kirkpatrick,	Thompson, of Elkhart,
Coffman,	Lenfesty,	Troutman,
Cole,	Lent,	Tulley,
Crumpacker,	McConnell,	Walker,
Durham,	McKinney,	Wesner,
Eaton,	Melletts,	Wilson, of Blackford,
Edwards, of Lawrence,	North,	Willson, of Ripley,
Ellsworth,	Odle,	Wood,
Furnas,	Offut,	Woodard,
Gifford,	Ogden,	Wolfliu,
Glasgow,	Prentiss,	Woollen,
Goudie,	Reeves,	Wynn,
Gregory,	Richardson,	Mr. Speaker—69.

Those who voted in the negative were, Messrs.

Brett,	Heller,	Pfrimmer,
Broadbuss,	Hoyer,	Reno,
Canthorn,	Martin,	Rudder,
Claypool,	Miller,	Schmuck,
Eward,	Peed,	Smith—16.
Givan,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 137 was taken up, read a second time, and ordered to be engrossed.

Mr. Brett presented the claim of William Williams for rent of rooms for use of the committee on fees and salaries of the last session of the General Assembly.

Which, on motion, was referred to the committee on ways and means.

Mr. Given presented the claim of Isaac Ruly, for the sum of \$24.48.

Which was referred to the committee on ways and means.

Mr. Hatch presented a petition from sundry citizens of Newton county, in relation to the repeal of the draining laws.

Which was referred to the committee on the judiciary.

A claim in favor of Julius Boettcher, for \$465.92, was presented, and

Referred to the committee on claims.

On motion of Mr. Offutt,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION, 2 O'CLOCK.

The House met, pursuant to adjournment, with the Speaker in the chair.

The special order being, the consideration of House Bill No. 73, the same was taken from the Speaker's table, and

On motion of Mr. Butterworth,

It was referred to the committee on ways and means.

Mr. Walker introduced .

House Bill No. 159. An act to regulate the practice of dentistry in the State of Indiana.

Which was read a first time and referred to the committee on judiciary.

Mr. Ogden introduced

House Bill No. 160. An act providing for the permanent improvement, and repair of the State, county and township roads, and to repeal all laws in conflict therewith.

Which was read a first time, and referred to the committee on county and township business.

Mr. Cauthorn introduced

House Bill No. 161. An act to abolish courts of Common Pleas in this State, and to provide a probate court in each county therein; providing for the appointment, election, and compensation of the judges thereof, defining the powers, duties, and jurisdiction of said courts, and transferring all unfinished business pending in the courts of Common Pleas to the Circuit or probate court.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Broadus, chairman of the committee on engrossed bills, substituted the following report:

MR. SPEAKER:

I am directed to report that the committee on engrossed bills have examined Engrossed House Bills No. 101, 104 and 118, and find the same in all respects properly engrossed.

Mr. Cauthorn introduced

House Bill No. 162. An act to authorize cities to correct the

erroneous listing description and assessment of real estate liable to city taxes, and when corrected to collect all taxes due thereon, and to list, assess and collect taxes on any property liable to city taxes of person or persons who have furnished the assessor with false or deceptive statement of his or their property or the value thereof.

Which was read a first time.

Mr. Cauthorn moved to suspend the rules and have the bill read a second time.

Which motion prevailed.

The question being, shall the Constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Hollingsworth,	Rudder,
Baker,	Hoyer,	Rumsey,
Branham,	Isenhower,	Satterwhite,
Brett,	Johnson,	Schmuck,
Broaddus,	Jones,	Scott,
Buskirk,	Kimball,	Shutt,
Butterworth,	King,	Smith,
Butts,	Kirkpatrick,	Spellman,
Cauthorn,	Lenfesty,	Stanley,
Clark,	Lent,	Strange,
Cline,	Martin,	Teter,
Cobb,	McConnell,	Tingley,
Coffman,	McKinney,	Thompson, of Elkhart,
Cowgill,	Mellett,	Troutman,
Crumpacker,	Miller,	Tulley,
Durham,	North,	Walker,
Eaton,	Odle,	Wesner,
Edwards, of Lawrence,	Offutt,	Willard,
Gifford,	Ogden,	Willson, of Ripley,
Givan,	Peed,	Wood,
Goble,	Pfrimmer,	Woodard,
Goudie,	Prentiss,	Wolflin,
Gronendyke,	Reeves,	Woollen,
Hatch,	Reno,	Wynn,
Hedrick,	Richardson,	Mr. Speaker—78.
Heller,	Riggs,	

No one voting in the negative,

So the Constitutional rule was suspended.

So the bill was read a second time by its title.

Mr. Cauthorn moved, that the rules be suspended, the bill be considered as engrossed, read a third time and put upon its passage.

Which motion prevailed.

So the bill was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Heller,	Rumsey,
Baker,	Hollingsworth,	Satterwhite,
Branham,	Hoyer,	Schmuck,
Broadbush,	Isenhower,	Scott,
Buskirk,	Johnson,	Shutt,
Butterworth,	Jones,	Smith,
Butts,	Kimball,	Spellman,
Cauthorn,	King,	Stanley,
Clark,	Kirkpatrick,	Strange,
Claypool,	Lenfesty,	Teter,
Cline,	Martin,	Tingley,
Cobb,	McConnell,	Thompson, of Elkhart,
Coffman,	McKinney,	Troutman,
Cole,	Mellett,	Tulley,
Cowgill,	Miller,	Walker,
Crumpacker,	North,	Wesner,
Durham,	Odle,	Willard,
Eaton,	Offutt,	Wilson, of Blackford,
Gifford,	Ogden,	Willson, of Ripley,
Givan,	Peed,	Wood,
Glasgow,	Prentiss,	Woodard,
Goble,	Reeves,	Wolfen,
Gondie,	Reno,	Woollen,
Gronendyke,	Richardson,	Wynn,
Hatch,	Riggs,	Mr. Speaker—77.
Hedrick,	Rudder,	

Those who voted in the negative were, Messrs.

Brett, Pfrimmer—2.

So the bill passed.

The question being, shall the title as read, stand as the title of the bill?

It was so ordered.

House Bill No. 101 was read a third time, and put upon its passage.

Those who voted in the affirmative were, Messrs.

Anderson,	Jones,	Shutt,
Broaddus,	Kirkpatrick,	Stanley,
Butts,	Martin,	Strange,
Clark,	Miller,	Teeter,
Coffman,	North,	Tingley,
Durham,	Odle,	Thompson, of Elkhart,
Eaton,	Ogden,	Troutman,
Gifford,	Peed,	Walker,
Givan,	Reeves,	Wilson, of Blackford,
Glasgow,	Richardson,	Willson, of Ripley,
Gronendyke,	Riggs,	Wood,
Hedrick,	Satterwhite,	Wolfen,
Hollingsworth,	Schmuck,	Woollen—40.
Hoyer,		

Those who voted in the negative were, Messrs.

Baker,	Goudie,	Prentiss,
Blocher,	Hatch,	Reno,
Branham,	Heller,	Rudder,
Brett,	Isenhower,	Scott,
Buskirk,	Johnson,	Spellman,
Cauthorn,	Kimball,	Tulley,
Claypool,	King,	Wesner,
Cline,	Lenfesty,	Willard,
Cobb,	McConnell,	Woodard,
Crumpaeker,	McKinney,	Wynn,
Edwards, of Lawrence,	Offutt,	Mr. Speaker—35.
Goble,	Pfrimmer,	

So the bill did not pass.

Mr. Broaddus, chairman of the committee on engrossed bills, submitted the following report :

MR. SPEAKER :

The committee on engrossed bills, to whom was referred Engrossed House Bills No. 70 and 114, have examined the engrossed copies thereof with the originals, and find them in all things correctly engrossed.

House Bill No. 104 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs.

Claypool,	Riggs,	Willson, of Ripley,
Cowgill,	Walker,	Wood,
Offutt,	Willard,	Woodard—10.
Pfrimmer,		

Those who voted in the negative were, Messrs.

Anderson,	Gifford,	Martin,
Blocher,	Givan,	McKinney,
Branham,	Glassgow,	McConnell,
Broaddus,	Goble,	Mellett,
Buskirk,	Gondie,	Miller,
Butterworth,	Gronendyke,	North,
Butts,	Hatch,	Odle,
Cauthorn,	Hedrick,	Ogden,
Clark,	Heller,	Peed,
Cline,	Hollingsworth,	Prentiss,
Cobb,	Isenhower,	Reeves,
Coffman,	Johnson,	Reno,
Cole,	Jones,	Richardson,
Crumpacker,	Kimball,	Rudder,
Durham,	King,	Rumsey,
Eaton,	Kirkpatrick,	Satterwhite,
Edwards, of Lawrence,	Lenfesty,	Schmuck,

Scott,	Teeter,	Wilson, of Blackford,
Shutt,	Tingley,	Wolflin,
Smith,	Thompson, of Elkhart,	Woollen,
Spellman,	Troutman,	Wynn,
Stanley,	Tulley,	Mr. Speaker—68.
Strange,	Wesner,	

So the bill did not pass.

Mr. Kimball offered the following resolution :

WHEREAS, By the 12th paragraph of the second section of the act prescribing the powers and duties of the Auditor of State, it is made the duty of that officer to suggest plans for the improvement and management of the public revenue ; therefore

Resolved, That said Auditor be requested to submit to this House at his earliest convenience, any plans or suggestions relating to the public revenue that he may deem for the public interest.

Which was adopted.

Mr. Wynn offered the following resolution :

Resolved, That the Secretary of State be, and he is hereby requested to furnish members of this House with a price list setting forth the prices at which all articles of stationery has and will be furnished by him to the members of this body.

Which was adopted.

Mr. Woodard offered the following resolution :

Resolved, That a committee of five be appointed by the Speaker, whose duty it shall be to inquire what further legislation, if any, is necessary to protect the people of this State from oppressive taxation by counties, townships, cities and towns, with power to report at any time, by bill or otherwise.

Which resolution was adopted, and the Speaker appointed the first five members of the committee on ways and means as such committee.

Mr. Mellett presented a protest signed by sundry citizens of Delaware County, against adopting the Indiana Medical College as a part of the University of the State.

Which was referred to the committee on education.

Mr. Woodard presented two petitions from sundry citizens of the State of Indiana in relation to the subject of temperance.

Which were referred to the committee on temperance.

On motion of Mr. Branham,

The House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING.

DECEMBER 4, 1872, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

Prayer was offered by the Rev. Henry Day, of the First Baptist Church, of Indianapolis.

The Journal of yesterday was read in part, when,

On motion,

The further reading of the same was dispensed with.

Mr. Kimball, chairman of the committee on ways and means, asked that certain claims referred to that committee, be returned to the House, and referred to the committee on claims.

Which was agreed to.

Mr. Ogden, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 147, entitled, "An act regulating the rate of interest upon the loan or forbearance of money or things, in action, repealing all acts and parts of acts controvening the provisions of this act, and declaring an emergency for the same," have had the same under consideration, and have directed me to report the same back to the House, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Wilson, of Ripley, from the committee on the judiciary, made the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 139, entitled, "An act relating to expenses incurred by one county, by change of venue from another county," have had the same under consideration, and request me to report the same back to the House, with the following amendment, viz :

Strike out all that part of section 1 after the word "and," in line 26, and insert the following :

Such court shall certify such allowance to the auditor of the county from which the change of venue was first taken, and such auditor shall issue his warrant on the treasurer of the county, for the amount so allowed and certified; *Provided*, That this act shall not apply to causes disposed of prior to its passage.

Also, strike out section 2, and insert the following :

Section 2. An emergency exists for the immediate taking effect of this act, therefore, the same shall take effect, and be in force from and after its passage.

And when so amended, your committee recommend its passage.

Which report was concurred in, amendment adopted, the bill read a second time, and ordered to be engrossed.

Mr. Miller from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 115, entitled, "An act to repeal an act to regulate the sale of patent rights, and to prevent frauds in connection therewith," which took effect April 23, 1869, have had the same under consideration, and direct me to report it back, with a recommendation that it pass.

Which report was concurred in, the bill read a second time, and ordered engrossed.

Mr. Buskirk, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 136, entitled, "An act to amend section 654 of an act, entitled, 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, etc.," would respectfully report that the said committee have carefully considered the said bill, and recommend to the House that it be indefinitely postponed.

Which,

On motion of Mr. Lenfesty,

Was recommitted to the judiciary, for correction

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the Senate, to wit:

Engrossed Senate Bill No. 65. Entitled an act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same. And the same is herewith transmitted to the House.

Mr. Johnson, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House Bill No. 133, entitled an act to repeal sections fifty-three and ninety-eight, and amend section ninety-seven of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil actions in the courts of this State; to abolish distinct forms

of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, have considered said bill, and have instructed me to return the same to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in.

Mr. Broaddus, chairman of the committee on engrossed bills, submitted the following report :

MR. SPEAKER :

The committee on engrossed bills, to whom was referred engrossed House Bills Nos. 35 and 137, have carefully compared the same with the original copies, and find them in all things properly engrossed.

Mr. Cauthorn, from the select committee appointed by the House to report suitable resolutions upon the death of Horace Greeley, submitted the following report and resolution :

MR. SPEAKER :

The select committee appointed to take order on the occasion of the death of Horace Greeley, have instructed me to make the following report :

In common with our fellow citizens, we deeply deplore the loss by death of so great and so good a man as Horace Greeley. The sad news has found its way not only to every city, town, village and hamlet of his native continent, but on the globe is only limited and confined by the bounds of civilization and intelligence.

His life is not only a lesson, but an example which commends itself to every aspiring mind in coming years, and is full of hope and promise.

He commenced life poor and unknown ; he left it rich and with a fame world-wide. For thirty years he has occupied a prominent position before the American people, and in that peculiar field of labor that invites criticism and censure. Yet, during all these thirty

years of journalistic pre-eminence, he has maintained a reputation unspotted and without reproach.

No man of his time has impressed his peculiar views upon the institutions of the country more fully and completely than Horace Greeley.

Nearly every principle advocated by him, no matter how unpopular at first, finally received the sanction of the people. And his devotion to principle, regardless of popular feeling, is the highest evidence of his honesty and worth. Many designing demagogues cling to dominant political parties for self-aggrandizement, but not so with Horace Greeley.

His conviction of right and wrong, determined his course, and he worshiped at the shrine of duty with an eastern idolatry. He was the friend of the slave when friendship for him was a political crime. But regardless of self, he followed his convictions of right, and labored for his enfranchisement through good and through evil reports, until at length he witnessed the full fruition of his labors in the complete triumph of his principles.

Horace Greeley is the first person, who, after a life spent in political strife and discord in the short space of a political caucus, overcome the prejudices of his political opponents, and received with great unanimity their endorsement and support.

His death is a striking illustration of the uncertainty of human life. On the first of May last, he was nominated by a respectable convention of his fellow citizens at Cincinnati, for the highest office on earth. On the 12th of June last, said nomination was endorsed and ratified by the Democratic party of the great State of Indiana, and on the 9th of July last, was ratified and endorsed by the Democratic party of the nation, in convention assembled at Baltimore, and on the 5th day of November. He was voted for by more than two millions of his fellow citizens, for President of the United States, and on this day he was to be voted for by the chosen electors of the people, for that high office, but instead thereof, his mortal remains are to be committed to the cold and silent grave.

In his death, our country has lost a distinguished citizen, the world, an accomplished man; science, a follower; literature, a friend; philosophy, a star; and labor, a devotee.

In memory of such a man, we might do many meaningless things. We might shroud this Hall in black, and resolve to wear the feelingless crape. But we prefer to let each member, in his own way, manifest and express his respect and regret, and recommend the adoption of the following resolution :

Resolved, In respect for the memory of Horace Greeley, that this House do now adjourn until to-morrow morning.

JOHN E. RUMSEY, Chairman.
HENRY S. CAUTHORN,
JOHN O. HARDESTY,
JOHN T. RICHARDSON,
C. A. BUSKIRK.

Which report was concurred in, and resolution unanimously adopted.

Whereupon the House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING.

DECEMBER 5, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal of yesterday was read in part, when,

On motion,

The further reading of the same was dispensed with.

Mr. Butterworth moved for a call of the House.

Which was agreed to.

Those who answered to their names were, Messrs.

Anderson,	Durham,	Isenhower,
Baker,	Eaton,	Jones,
Baxter,	Edwards, of Lawrence,	Kimball,
Billingsly,	Ellsworth,	Kirkpatrick,
Bowser,	Eward,	Lenfesty,
Branham,	Furnas,	Martin,
Broaddus,	Gifford,	McConnell,
Buskirk,	Givan,	Melletts,
Butterworth,	Goudie,	Odle,
Butts,	Gregory,	Ogden,
Canthorn,	Gronendyke,	Pfrimmer,
Clark,	Hatch,	Reeves,
Claypool,	Hedrick,	Reno,
Cobb,	Heller,	Richardson,
Coffman,	Henderson,	Riggs,
Crumpacker,	Hollingsworth,	Rudder,
Dial,	Hoyer,	Rumsey,

Satterwhite,	Tingley,	Whitworth,
Scott,	Thompson, of Elkhart,	Willard,
Shutt,	Thompson, of Spencer,	Wilson, of Blackford,
Spellman,	Troutman,	Wood,
Stanley,	Tulley,	Woodard,
Strange,	Walker,	Wolfin,
Teeter,	Wesner,	Mr. Speaker—73.

Mr. Kimball, chairman of the committee on ways and means, to whom was referred House Bill No. 73, asked that the same be referred to the committee on fees and salaries.

Which was agreed to.

Mr. Kimball, chairman of the committee on ways and means, by instruction of the same, introduced

House Bill No. 163. Entitled an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

Mr. Kimball moved that the constitutional rule be suspended, and that the bill be read a first and second time by its title.

The question being, shall the constitutional rule be suspended and the bill read a first and second time by its title?

Those who voted in the affirmative were, Messrs.

Anderson,	Cobb,	Givan,
Baker,	Coffman,	Glazebrook,
Baxter,	Cole,	Goble,
Billingsley,	Cowgill,	Goudie,
Blocher,	Crumpacker,	Gregory,
Branham,	Dial,	Gronendyke,
Broadus,	Durham,	Hatch,
Buskirk,	Eaton,	Hedrick,
Butterworth,	Edwards of Lawrence,	Heller,
Butts,	Ellsworth,	Henderson,
Cauthorn,	Eward,	Hollingsworth,
Clark,	Furnas,	Hoyer,
Claypool,	Gifford,	Isenhower,

Johnson,	Pfrimmer,	Tingley,
Jones,	Rceves,	Thompson, of Elkhart,
Kimball,	Reno,	Thompson, of Spencer,
King,	Richardson,	Troutman,
Kirkpatrick,	Riggs,	Tulley,
Lenfesty,	Rudder,	Walker,
Martin,	Rumsey,	Wesner,
Melletts,	Satterwhite,	Whitworth,
Miller,	Schmuck,	Willard,
McConnell,	Scott,	Wilson, of Blackford,
McKinney,	Shutt,	Wood,
North,	Spellman,	Woodard,
Odle,	Stanley,	Wolflin,
Ogden,	Strange,	Wynn,
Peed,	Teeter,	Mr. Speaker—84.

Mr. Bowser voting in the negative.

So the constitutional rule was suspended.

The bill was read a first and second time by its title.

On motion of Mr. Kimball,

The bill was referred to the committee on ways and means.

Mr. Riggs, chairman of the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims to whom was referred the claim of Stearns Fisher, for fifty-two dollars and fifty cents for services performed and described in the accompanying report of the committee on claims, made by the committee to the last session of the Legislature, have had the same under consideration, and recommend that it be allowed, and referred to the committee on ways and means, and be included in specific appropriations.

Which was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report :

MR. SPEAKER:

The committee on claims to whom was referred the claim of Julius Boetticher for the sum of four hundred and sixty-five dollars and ninety-two cents, on account of papers furnished the last Legislature, have had the same under consideration and recommend that it be allowed, referred to the committee on ways and means and be included in specific appropriations.

Which was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims to whom was referred the claim of "The People," for thirty-nine dollars and fifty cents, on account of papers furnished members of the House of the last session, have had the same under consideration and recommend that thirty-two dollars and ninety-six cents be allowed, that being the amount of the bill, less interest, and that it be referred to the committee on ways and means, to be incorporated in specific appropriations.

Which was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims to whom was referred the claim of W. B. Vickers, for furnishing Evening Mirror for the members of the last Legislature, have had the same under consideration and recommend that it be allowed and referred to the committee of ways and means to be included in specific allowances.

Which was concurred in.

Mr. Shutt, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims to whom was referred the petition of J.

G. Greenawalt, for allowance of three thousand three hundred dollars, for extra services in performing the duties of Military Agent of the State of Indiana for thirty-three months in addition to the usual duties of his office, which extra services are fully set forth in said petition, have had the same under careful consideration and recommend an extra allowance of fifteen hundred dollars, and that this petition be referred to the committee on ways and means, and the amount recommended to be allowed, be incorporated in specific allowances.

Which was concurred in.

Mr. Shutt, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims to whom was referred the claim of John Brownlee for the sum of twelve hundred and fifty dollars, for services rendered in behalf of the State in the Grant Circuit Court, and procuring an act of Congress to tax the lands known as the Me-Shingo-Mc-Sha Reserve, the particulars of which are fully set forth in the accompanying papers, have had the same under consideration and recommend that he be allowed one thousand dollars for his services, and that this report be referred to the committee on ways and means, and the amount recommended to be allowed be included in specific appropriations.

Which was concurred in.

Mr. Lenfesty, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims to whom was referred the claim of the "Indianapolis Commercial Company" for the sum of eighty-five dollars and eighty cents, have had the same under consideration and recommend that the said company be allowed the sum of seventy-eight dollars, that being the amount of claim less interest, and that the same be referred to the committee on ways and means to be included in specific allowances.

Which was concurred in.

Mr. Lenfesty, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims to whom was referred the resolution instructing them to examine the records of the last session of this General Assembly and report to this House the facts in relation to the contested case of William B. Walters against R. S. Taylor, have had the same under consideration, and find that the committee on claims at said session reported in favor of allowing said Walters so much per diem for the time and mileage. Your committee, therefore, recommend that said Walters be allowed pay for thirty-four days at five dollars per day, that being the time consumed in the contest, and fifty-two dollars and forty cents for mileage, and that it be referred to the committee on ways and means, and be included in specific appropriations.

Which report was not concurred in.

Mr. Lenfesty, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Guitenburg Co., for the sum of nine hundred and four dollars and forty four cents, on account of papers furnished the Senate and House at the last session of the Legislature, have examined the same, and instruct me to report back that part of the bill in relation to the Senate, and recommend that so much of said claim relating to the House, and amounting to the sum of three hundred and twenty-three dollars and forty-four cents, be allowed and referred to the committee on ways and means, and included in special appropriations.

Which was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of J. C. Graham and others, asking an appropriation of fifty dollars each

as additional compensation to that now provided by law for services rendered, time employed and money expended by said marshals in collection and delivery of the votes cast for electors for President and Vice President, have had the same under consideration, and I am instructed to report back the petition with the recommendation that no further allowance be made.

Which was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom referred the claim of the Jeffersonville Railroad Company for the sum of sixty-five dollars and fifty-five cents, on account of transportation, have had the same under consideration, and recommend that it be not allowed.

Which was concurred in.

Mr. Miller, chairman of the committee on trust funds, submitted the following report :

MR. SPEAKER :

Your committee on trust funds, to whom was referred House Bill No. 24, entitled " An act to provide designated depositories for the safe keeping of the public funds in the State and several counties, and providing penalties for the enforcement thereof," have had the same under consideration, and direct me to report the same back to the House with the following amendment, to wit :

Insert section nine, herewith submitted, between sections eight and ten, and that when so amended the same be laid on the table and five hundred copies thereof be printed.

Section nine. Whenever, in the opinion of the Governor, Audit and Treasurer of State, or of the Board of Commissioners of the several counties, the safety of the public funds shall require it, they shall have the power, and it is hereby made their duty, to issue an order for the removal of the funds from any designated depository where they may be kept, to any other depository to be designated under the provisions of this act; and the Treasurer of State and the

several County Treasurers shall, individually, on receiving an order to that effect, remove said funds indicated; and this may be done whether any provision has been made for such removal in the contract with said depository or not.

Which report was concurred in, and amendments adopted.

On motion of Mr. Miller,

The bill was laid upon the table and five hundred copies ordered to be printed for the use of the members of the House.

Mr. Cowgill, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee on fees and salaries, to whom was referred House Bill No. 45, entitled, "An act to amend section 1 of an act, entitled, 'an act fixing the per diem and mileage of members of the General Assembly, secretaries, clerks, doorkeepers, and other employes thereof,'" approved December 20, 1865, have had the same under consideration, and respectfully report the bill back, with recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Broadus, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom was referred House Bill No. 78, entitled, "An act for the erection of a new State Prison North of the National Road, election of officers therefor, and regulating the salaries of the same," have had the same under consideration, and direct me to report the same back, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. King, chairman of the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads, to whom was referred House Bill No. 144, entitled, "An act to provide for the crossing of railroads, the keeping in repair such crossings, and providing for the expense thereof," have had the same under consideration, and report the same back, with the recommendation that it pass.

Which report was concurred in, the bill read a second time, and ordered to be engrossed.

Mr. Coffman, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House Bill No. 10, entitled, "An act providing for the issue and sale of bonds, to raise money by the civil townships of this State, etc., etc.," have instructed me to report that the said bill be indefinitely postponed.

On motion of Mr. Mellett,

The report was laid on the table, and the bill referred to the committee on education, with the following instructions offered by Mr. Woolen:

Provided, Before any bonds shall be issued under the provisions of this act, it shall be the duty of the board of commissioners, to require a petition, signed by two-thirds of the free-holders of the township, asking that said bonds shall be issued.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the concurrent resolution thereof, to wit:

Resolved, By the Senate, the House concurring, that 5,000 copies of the report of the Trustees and Superintendent of the Insti-

tution for the education of the deaf and dumb, be printed, and three thousand thereof be printed for the use of the members of the General Assembly, and two thousand for the use of the Superintendent of the Institution in accordance with the recommendation of the Governor's message.

And the same is herewith transmitted to the House.

Mr. Ogden, chairman of the committee on corporations, submitted the following report.

MR. SPEAKER:

Your committee on corporations to whom was referred House Bill No. 39, entitled "An act to amend the second section of an act entitled "An act concerning voluntary associations and repealing former laws in reference thereto," approved February 12, 1855, and declaring an emergency to exist, have had the same under consideration and have directed me, in lieu thereof, to offer the following bill marked "A" as a substitute for said bill, and when so amended recommend its passage.

Which report was concurred in.

Whereupon House Bill No. 164 was introduced by Mr. Ogden, chairman of the committee on corporations, as a substitute for House Bill No. 39, as mentioned in his preceding report.

An act to amend section second, of an act entitled an act concerning the organization and perpetuity of voluntary associations and repealing an act entitled "An concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts and devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency to exist.

Mr. Ogden moved to lay the original bill [House Bill No. 39] on the table.

Which motion prevailed.

House Bill No. 164 was then read a first time.

H. J.—18

Mr. Lenfesty, chairman of the committee on federal relations, submitted the following report.

MR. SPEAKER:

Your committee on federal relations, to whom was referred joint resolution No. 4, in relation to an appropriation by Congress for the improvement of the Ohio river, report the same back to the House amended, and recommend its passage.

Which report was concurred in.

By unanimous consent the joint resolution was considered as engrossed, read a third time and put upon its passage.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Glazebrook,	Odle,
Baker,	Goble,	Pfrimmer,
Billingsley,	Goudie,	Prentiss,
Blocher,	Gregory,	Reeves,
Bowser,	Gronendyke,	Reno,
Branham,	Hatch,	Richardson,
Brett,	Heller,	Riggs,
Buskirk,	Henderson,	Rudder,
Butterworth,	Hoyer,	Rumsey,
Cauthorn,	Isenhowe,	Satterwhite,
Claypool,	Johnson,	Schmuck,
Cline,	Jones,	Shirley,
Cobb,	Kimball,	Shutt,
Coffman,	King,	Smith,
Cowgill,	Kirkpatrick,	Spellman,
Crumpacker,	Lenfesty,	Stanley,
Dial,	Lent,	Strange,
Durham,	Martin,	Teeter,
Eaton,	McConnell,	Thompson, of Elkhart,
Edwards, of Lawrence,	McKinney,	Thompson, of Spencer,
Ellsworth,	Mellet,	Troutman,
Gifford,	Miller,	Walker,
Givan,	North,	Wesner,

Whitworth,	Wood,	Woollen,
Willard,	Woodard,	Wynn,
Willson, of Ripley,	Wolfen,	Mr. Speaker—78.

Those who voted in the negative were, Messrs.

Baxter,	Furnas,	Scott,
Broadbuss,	Glasgow,	Tingley,
Butts,	Hedrick,	Tulley,
Clark,	Hollingsworth,	Wilson, of Blackford
Cole,	Ogden,	—15.
Eward,		

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

Mr. Wynn, from the committee to whom was referred Senate Joint Resolution in relation to the improvement of the Ohio and Wabash rivers and their tributaries, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred Senate Joint Resolution in relation to the improvement of the Ohio and Wabash rivers and their tributaries, report the same back to the House with the recommendation that the same be indefinitely postponed.

Which report was concurred in.

Mr. Lenfesty, chairman of the committee on federal relations, submitted the following report:

MR. SPEAKER:

Your committee on federal relations, to whom was referred House Bill No. 6, creating the Indiana Centennial Association, report the same back with the following amendment and recommend its passage:

Section 2 be amended to read as follows :

“SECTION 2. The members of the association shall be the persons named by the Congress of the United States for the State of Indiana as the corporators of the Centennial Board of Finance.”

The Centennial commissioners and alternate commissioners for the State, and all persons who may become stockholders under the laws of Congress, the State Geologist and Superintendent of Public Instruction, the President of each University or College in the State, the Mayor of each city exceeding ten thousand inhabitants, the President and members of the State Board of Agriculture, the President or chief officer of each railroad company organized in this State, and one person from each county in the State, the Governor and Lieutenant Governor of Indiana and the Speaker of the House of Representatives shall be ex-officio members of the Association.

Which report was concurred in, and the amendment adopted.

The bill was read a second time and ordered to be engrossed.

Mr. Reeves, chairman of the committee on roads, submitted the following report :

MR. SPEAKER :

The committee on roads, to whom was referred House Bill No. 79, have had the same under consideration and recommend that the same be indefinitely postponed :

Which report was concurred in.

Mr. Reeves, chairman of the committee on roads, submitted the following report.

MR. SPEAKER :

The committee on roads, to whom was referred House Bill No. 59, have had the same under consideration and recommend its passage.

Which report was concurred in.

The bill was read a second time and ordered to be engrossed.

Mr. Wolflin, chairman of the committee on statistics and emigration, submitted the following report :

MR. SPEAKER :

The committee on statistics and emigration, to whom was referred House Bill No. 88, entitled an act to provide for the registration of births, marriages and deaths in the State of Indiana, have had the same under consideration and direct me to report the same back with the following amendments, and when so amended they recommend its passage :

1. Strike out section nine (9) and ten (10).
2. Section 3, after the words "the records and marriages," insert "shall be kept by the County Clerk," and at the close of said section, "all the foregoing facts shall be ascertained by said Clerk at the time of issuing the marriage license."
3. Section 5, after the words "on or before" strike out "twenty-fifth day of January," and insert "the first day of April."

Which report was concurred in, the amendments adopted, the bill read a second time and ordered to be engrossed.

Mr. Gregory, from the select committee, submitted the following report :

MR. SPEAKER :

The select committee to whom was referred House Bill No. 134, providing for the time of holding Circuit Courts and the length of the terms thereof in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto, have had the same under consideration and direct me to report to this house and recommend the passage of the bill.

Which report was concurred in and the bill read a second time.

Mr. Gregory moved to suspend the Constitutional rule, that the bill be considered engrossed, read a third time and put upon its passage.

The question being, shall the Constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Baxter,	Hardesty,	Riggs,
Billingsly,	Hatch,	Rudder,
Blocher,	Hedrick,	Rumsey,
Branham,	Heller,	Satterwhite,
Brett,	Henderson,	Schmuck,
Broadbush,	Hollingsworth,	Scott,
Buskirk,	Hoyer,	Shirley,
Cauthorn,	Isenhower,	Shutt,
Clark,	Johnson,	Smith,
Claypool,	Kimball,	Spellman.
Cobb,	King,	Stanley,
Coffman,	Kirkpatrick,	Strange,
Cole,	Lenfesty,	Teter,
Dial,	Lent,	Tingley,
Durham,	Martin,	Thompson, of Elkhart,
Eaton,	McConnell,	Thompson, of Spencer,
Edwards, of Lawrence,	McKinney,	Troutman,
Ellsworth,	Melletts,	Tulley,
Eward,	Miller,	Wesner,
Furnas,	North,	Whitworth,
Gifford,	Odle,	Willard,
Givan,	Ogden,	Wilson, of Blackford,
Glassgow,	Peed,	Willson, of Ripley,
Glazebrook,	Pfimmer,	Wood.
Goble,	Prentiss,	Woodard,
Gondie,	Reeves,	Woollen,
Gregory,	Reno,	Wynn,
Gronendyke,	Richardson,	Mr. Speaker—84.

No one voting in the negative, so the Constitutional rule was suspended, the bill read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Blocher,	Broadbush,
Baxter,	Branham,	Buskirk.
Billingsley,	Brett,	Butterworth,

Butts,	Henderson,	Satterwhite,
Canthorn,	Hollingsworth,	Schmuck,
Clark,	Isenhower,	Scott,
Claypool,	Johnson,	Shirley,
Cobb,	Jones,	Shutt,
Coffman,	Kimball,	Smith,
Cole,	King,	Spellman,
Crumpacker,	Kirkpatrick,	Stanley,
Dial,	Lenfesty,	Strange,
Durham,	Lent,	Teeter,
Eaton,	Martin,	Tingley,
Edwards, of Lawrence,	McConnell,	Thompson, of Elkhart,
Ellsworth,	McKinney,	Thompson, of Spencer,
Eward,	Melletts,	Troutman,
Furnas,	Miller,	Tulley,
Gifford,	North,	Walker,
Given,	Odle,	Wesner,
Glasgow,	Ogden,	Whitworth,
Glazebrook,	Peed,	Willard,
Goble,	Pfrimmer,	Wilson, of Blackford,
Goudie,	Prentiss,	Willson, of Ripley,
Gregory,	Reeves,	Wood,
Gronendyke,	Reno,	Woodard,
Hardesty,	Richardson,	Wolfen,
Hatch,	Riggs,	Wynn,
Hedrick,	Rudder,	Mr. Speaker—89.
Heller,	Rumsey,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Mellett, chairman of the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No.

155, having had the same under advisement, report it back and recommend its passage.

Which bill was read a second time, and ordered to be engrossed.

On motion of Mr. Branham,

The regular order of business was taken up.

The following opinion of the Attorney General of the State of Indiana in relation to the Garrett suit in Cass Circuit Court, was presented to the House by the Speaker:

OPINION.

INDIANAPOLIS, IND., Dec. 5, 1872.

HON. W. K. EDWARDS,

Speaker of the House of Representatives:

SIR:—I have the honor to transmit through you to the House of Representatives, the following opinion in answer to the resolution of the House, passed on the 3d instant. The first question in which I am requested to give an opinion is in these words, viz.:

“What additional liability either moral, legal or equitable, if any, would the State of Indiana incur as to other outstanding internal improvement bonds, by making an appropriation and paying the judgment of John W. Garrett, recently recorded in the Cass Circuit Court against the Trustees of the Wabash and Erie Canal?”

In reply to this resolution, I have to say, that by the phrase “Internal Improvement Bonds,” I understand to be embraced only such bonds as were issued under the act approved January 27, 1836, entitled “An act to provide for a general system of Internal Improvements.” In my opinion, the 9th section of that act makes all the bonds issued under it a lien on the Wabash and Erie Canal, and all the other public works, the construction of which is provided for by said act.

I understand Garrett holds forty bonds issued under that act which are a lien on the canal and other said works, and one (1) bond issued for bank purposes under the act of February 12, 1839, which, in my opinion, is not a lien on said canal or other works. I

understand further that of the one hundred and ninety-one old Indiana bonds still outstanding, seventy-seven of them are known to have been issued under said act of January 27, 1836, and are therefore a lien on said canal and other public works.

It is also further known, that other seventy-seven of said one hundred and ninety-one old bonds still outstanding were issued under the act of February 12, 1839, and are not a lien on said canal or works. The other thirty-seven of said one hundred and ninety-one bonds, have not been traced or accounted for. They may have been issued under said act of January 27, 1836, and if so, are a lien, or they may have been issued under said act of February 12, 1839, and if so, are not a lien ; or a part may have been issued under the one act, and a part under the other, and in that event, part would and a part would not be a lien.

With this statement of facts in view, I beg leave to say, in answer to the question, "What additional liability the State would incur as to other outstanding internal improvement bonds, by making an appropriation to pay Garrett's judgment?" that the State would incur no additional liability, by making such an appropriation to pay other outstanding internal improvement bonds. All the internal improvement bonds that are outstanding, were issued under the act of January 26, 1836, and are equally a lien on the canal, and the liability of the State to pay them all is now complete. This being so, of course the payment of such portion of them as may be held by Garrett, could not increase the State's liability to pay those held by others, when she is already liable to pay all of them, no matter by whom held ; besides, all holders of bonds issued under the act of January 27, 1836, have the same remedy against the canal that Garrett has, and some of them have already been made parties to this suit, and the rest may come in under his decree and prove their bonds.

As to such of the one hundred and ninety-one old bonds as are not a lien on the Canal, I think the State's liability to pay them, is just as great as if they were a lien. The State issued them and pledged her faith for their payment, they are unpaid, and no one doubts the ability of the State to pay them. The question whether they shall be paid, is, in my judgment, *rather a question of honesty than of law*. Of course the payment of these bonds which are a lien on the Canal can not increase her obligation or liability to pay those which are not a lien, for the simple reason that an obligation which is already full and perfect can not be increased.

The second resolution propounded this question : " In what position, as to the payment of the bonds included in the Butler Bill, would this State be placed if she permitted the Wabash and Erie Canal, and other internal improvements, upon which Garrett's judgment is a lien, to be sold to satisfy said Garrett's judgment recently recovered in the Cass Circuit Court against the Trustees of the Wabash and Erie Canal?"

I understand the phrase, "bonds included in the Butler Bill," as used in this question, to mean the canal stocks issued under the bill, and charged exclusively upon the canal. So understanding it, my reply is that, in my opinion, the 22d section of the supplemental Butler Bill of January 27th, 1849, makes it the duty of the State to protect the trust property from the lien of Garrett's bonds, and having the ability to do this, if she fails to do it, and allows the trust to be destroyed by standing by and seeing the trust property subjected to the payment of her own debts, she will put herself decidedly in the wrong. She will not be responsible to the holders of the canal stocks for that wrong, simply because being a sovereignty she can not be sued.

Respectfully yours, etc.,

J. C. DENNY,

Attorney General.

Mr. Gregory moved that the opinion be laid upon the table, and five hundred copies be printed for the use of the members of the House.

Which motion prevailed.

Mr. Woollen, from the committee on the judiciary, in accordance to a resolution of the House, introduced

House Bill No. 165.

MR. SPEAKER :

The committee on the judiciary, to whom was referred the resolution of Mr. Woollen in regard to the compensation of the Governor since January last, have had the same under consideration, and instruct me to report the following bill on that subject, with a recommendation that it pass :

An act allowing additional compensation to the Governor for house rent and other expenses, making an appropriation to pay the same, and declaring an emergency.

Which was read a first time, and passed to the second reading on to-morrow.

Mr. Kimball introduced

House Bill No. 166. An act fixing the salary of the Governor, and providing for the payment of the same.

Which was read a first time, and passed to the second reading on to-morrow.

Senate Bill No. 65 was taken from the Speaker's table and read a first time.

Mr. King moved to suspend the constitutional rule and have the bill read a second time, considered as engrossed, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Baker,	Coffman,	Gregory,
Baxter,	Cole,	Gronendyke,
Billingsley,	Crumpacker,	Hardesty,
Blocher,	Dial,	Hatch,
Bowser,	Durham,	Hedrick,
Branham,	Eaton,	Heller,
Brett,	Edwards, of Lawrence,	Henderson,
Broadus,	Ellsworth,	Hollingsworth,
Buskirk,	Eward,	Hoyer,
Butterworth,	Furnas,	Isenhower,
Butts,	Gifford,	Jones,
Cauthorn,	Givan,	Kimball,
Clark,	Glasgow,	King,
Claypool,	Glazebrook,	Kirkpatrick,
Cline,	Goble,	Lenfesty,
Cobb,	Goudie,	Lent,

Martin,	Rudder,	Troutman,
McConnell,	Rumsey,	Tulley,
McKinney,	Satterwhite,	Walker,
Miller,	Schmuck,	Wesner,
North,	Scott,	Whitworth,
Odle,	Shutt,	Willard,
Ogden,	Smith,	Wilson, of Blackford,
Peed,	Spellman,	Willson, of Ripley,
Pfrimmer,	Stanley,	Wood,
Prentiss,	Strange,	Woodard,
Reeves,	Teter,	Wolflin,
Reno,	Tingley,	Woollen,
Richardson,	Thompson, of Elkhart,	Wynn,
Riggs,	Thompson, of Spencer,	Mr. Speaker—90.

No one voting in the negative.

So the constitutional rule was suspended.

The bill was read a second time by its title, considered as engrossed, and put upon its passage.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs.

Baker,	Coffman,	Gregory,
Baxter,	Cole,	Gronendyke,
Billingsley,	Crumpacker,	Hardesty,
Blocher,	Dial,	Hatch,
Bowser,	Durham,	Hedrick,
Branham,	Eaton,	Heller,
Brett,	Edwards, of Lawrence,	Henderson,
Broadbuss,	Elsworth,	Hollingsworth,
Buskirk,	Eward,	Hoyer,
Butterworth,	Furnas,	Isenhower,
Butts,	Gifford,	Jones,
Cauthorn,	Givan,	Kimball,
Clark,	Glasgow,	King,
Claypool,	Glazebrook,	Kirkpatrick,
Cline,	Goble,	Lenfesty,
Cobb,	Goudie,	Lent,

Martin,	Rumsey,	Troutman,
McConnell,	Satterwhite,	Tulley,
McKinney,	Schmuck,	Walker,
Miller,	Scott,	Wesner,
North,	Shirley,	Whitworth,
Odle,	Shutts,	Willard,
Ogden,	Smith,	Wilson, of Blackford,
Peed,	Spellman,	Willson, of Ripley,
Pfrimmer,	Stanley,	Wood,
Prentiss,	Strange,	Woodard,
Reeves,	Teter,	Wolfin,
Reno,	Tingley,	Woollen,
Richardson,	Thompson, of Elkhart,	Wynn,
Riggs,	Thompson, of Spencer,	Mr. Speaker—91.
Rudder,		

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

¶ The Senate concurrent resolution was taken from the Speaker's table, and concurred in.

Mr. Miller offered the following resolution:

Resolved, That the chairman of the standing committees be requested to report the number of clerks, janitors, and other employes engaged by them, also to give the number of hours per diem such employes are engaged for the committee, and a brief statement of the duties required of them.

Which was adopted.

On motion of Mr. Billingsley, the select committee appointed by the House to examine into, and report upon the claim of the State of Indiana against the estate of Andrew Grimes, was granted leave to sit this afternoon.

Mr. Canthorn introduced

House Bill No. 167. An act to preserve the original manuscript Journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the destruction or mutilation thereof.

Which was read a first time and referred to the committee on the judiciary.

Mr. Walker introduced.

House Bill No. 168. A bill to amend an act entitled "An act to establish courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof.

Which was read a first time and referred to the committee on the judiciary.

Mr. Baxter offered

Joint Resolution No. —. A joint resolution in relation to the Indiana Reformatory Institution for Women and Girls:

WHEREAS, The Governor, in pursuance of the provisions of the fourth section of an act approved May 13th, 1869, entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, with the consent of the Trustees of the Institution for the Education of the Deaf and Dumb, selected as the site for said Reformatory Institution, the north end of a thirty-six acre tract of land, purchased by the State for the use of said Institution for the Deaf and Dumb from Isaac N. Phipps and John B. Phipps, and conveyed by them and their wives to the State, by deed, dated 18th day of February A. D., 1850, and recorded in book X at pages 197, 198 and 199 of the records of deeds of Marion county, Indiana. Now, therefore, to confirm said section of said site and to designate the particular quantity and part of the said thirty-six acre tract which shall be considered and used as the grounds pertaining to said Reformatory Institution,

Be it resolved by the General Assembly of the State of Indiana,
That the selection of the north end of said thirty-six acre tract as the site for said Reformatory Institution be, and the same is hereby

confirmed, and that the grounds of said Institution shall consist of all that part of said thirty-six acre tract which lies north of the north line of New York street, Indianapolis, by the extension of said line due east, through said tract.

Which was read an ordered to be engrossed.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were Messrs.

Baker,	Gregory,	Richardson,
Baxter,	Gronendyke,	Riggs,
Billingsley,	Hardesty,	Rudder,
Blocher,	Hatch	Rumsey,
Bowser,	Hedrick,	Satterwhite,
Branham,	Heller,	Schmuck,
Brett,	Henderson,	Scott,
Broadbuss,	Hollingsworth,	Shirley,
Buskirk,	Hoyer,	Shutt,
Butterworth,	Isenhower,	Spellman,
Butts,	Johnson,	Stanley,
Cauthorn,	Jones,	Strange,
Clark,	Kimball,	Teeter,
Claypool,	King,	Tingley,
Cline,	Kirkpatrick,	Thompson, of Elkhart,
Cobb,	Lenfesty,	Thompson, of Spencer,
Crumpacker,	Lent.	Troutman,
Dial,	Martin.	Tulley,
Durham,	McConnell,	Walker,
Eaton,	McKinney,	Wesner,
Edwards, of Lawrence,	Miller,	Whitworth,
Ellsworth,	North,	Willard,
Eward,	Odle,	Wilson, of Blackford,
Furnas,	Ogden	Wood,
Gifford,	Peed,	Woodard,
Givan,	Pfrimmer,	Wolfen,
Glazebrook,	Prentiss,	Wynn,
Goble,	Reeves,	Mr. Speaker—88.
Gondie,	Reno,	

No one voting the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution.

I was so ordered.

The claims of W. H. Slocomb and John J. Vance were referred to the committee on claims.

On motion of Mr. Goudie, the House adjourned until 2 o'clock this afternoon.

THURSDAY AFTERNOON, 2 O'CLOCK.

The house met pursuant to adjournment with the Speaker in the chair.

Engrossed Senate Bill No. 8 was taken from the Speaker's table, read a second time, and ordered to a third reading on to-morrow.

House Bill No. 70 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Canthorn,	Durham,
Baker,	Clark,	Eaton,
Baxter,	Claypool,	Edwards, of Lawrence,
Blocher,	Cline,	Gifford,
Bowser,	Cobb,	Givan,
Branham,	Coffman,	Glasgow,
Brett,	Cole,	Glazebrook,
Broadus,	Cowgill,	Goble,
Butterworth,	Crumpacker,	Goudie,

Gronendyke,	Odel,	Spellman,
Hardesty,	Ogden,	Stanley,
Hatch,	Peed,	Strange,
Hedrick,	Pfrimmer,	Teeter,
Heller,	Prentiss,	Tingley,
Hollingsworth,	Reeves,	Thompson, of Elkhart,
Hoyer,	Reno,	Thompson, of Spencer,
Isenhower,	Richardson,	Troutman,
Johnson,	Riggs,	Tulley,
Jones,	Rudder,	Walker,
Kimball,	Rumsey,	Wesner,
King,	Satterwhite,	Whitworth,
Lent,	Schmuck,	Willard,
Martin,	Scott,	Wood,
McConnell,	Shirley,	Woodard,
McKinney,	Shutt,	Wolflin,
Melletts,	Smith,	Wynn—81.
North,		

Mr. Speaker and Lenfesty voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 114 was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Butterworth,	Cole,
Baker,	Butts,	Cowgill,
Blocher,	Cauthorn,	Crumpacker,
Bowser,	Clark,	Dial,
Branham,	Claypool,	Durham,
Brett,	Cline,	Eaton,
Broadbns,	Cobb,	Edwards, of Lawrence,
Buskirk,	Coffman,	Furnas,

Gifford,	Lenfesty,	Shutt,
Givan,	Martin,	Smith,
Glasgow,	McKinney,	Spellman,
Glazebrook,	Mellet,	Stanley,
Goble,	Miller,	Strange,
Goudie,	North,	Teeter,
Gregory,	Odle,	Tingley,
Gronendyke,	Ogden,	Thompson, of Elkhart,
Hardesty,	Peed,	Thompson, of Speneer,
Hatch,	Prentiss,	Troutman,
Hedrick,	Reeves,	Walker,
Heller,	Reno,	Wesner,
Hollingsworth,	Richardson,	Wilson, of Blackford,
Hoyer,	Riggs,	Wilson, of Ripley,
Isenhower,	Rudder,	Woodard,
Johnson,	Rumsey,	Wolfen,
Jones,	Satterwhite,	Woollen,
Kimball,	Schmuck,	Wynn,
King,	Shirley,	Mr. Speaker—81.
Kir. pattrick,		

Those who voted in the negative were, Messrs.

Pfrimmer,	Tulley,	Willard,
Scott,	Whitworth,	Wood—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 118 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Bowser,	Broadus,
Baker,	Branham,	Butterworth,
Blocher,	Brett,	Butts,

Clark,	Isenhower,	Scott,
Claypool,	Kirkpatrick,	Shirley,
Cline,	Lent,	Shutt,
Coffman,	McConnell,	Stanley,
Cowgill,	McKinney,	Strange,
Crumpacker,	Miller,	Tingley,
Dial,	North,	Thompson, of Spencer,
Edwards, of Lawrence,	Pfrimmer,	Tulley,
Goble,	Prentiss,	Walker,
Goudie,	Reno,	Wesner,
Hatch,	Riggs,	Willson, of Ripley,
Hollingsworth,	Rumsey,	Woodard,
Hoyer,	Schmuck,	Wolfen—48.

Those who voted in the negative were, Messrs.

Canthorn,	Jones,	Smith,
Cobb,	Kimball,	Spellman,
Durham,	King,	Teeter,
Eaton,	Lenfesty,	Thompson, of Elkhart,
Furnas,	Martin,	Troutman,
Gifford,	Odle,	Whitworth,
Givan,	Ogden,	Willard,
Glazebrook,	Peed,	Wilson, of Blackford,
Gronendyke,	Reeves,	Wood,
Hardesty,	Richardson,	Woollen,
Hedrick,	Rudder,	Wynn,
Heller,	Satterwhite,	Mr. Speaker—38.
Johnson,	Scott,	

So the bill did not pass.

House Bill No. 35 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs.

Anderson,	Bowser,	Buskirk,
Baker,	Brett,	Butterworth,
Baxter,	Broadbuss,	Butts,

Clark,	Isenhower,	Scott,
Claypool,	Johnson,	Spellman,
Cline,	Jones,	Stanley,
Cobb,	Kimball,	Strange,
Coffman,	King,	Teeter,
Cole,	Kirkpatrick,	Tingley,
Cowgill,	Lent,	Thompson, of Elkhart,
Crumpacker,	McKinney,	Thompson, of Spencer,
Eaton,	Mellett,	Troutman,
Gifford,	Miller,	Walker,
Glasgow,	North,	Wesner,
Glazebrook,	Odle,	Wilson, of Blackford,
Goble,	Ogden,	Willson, of Ripley,
Goudie,	Peed,	Wood,
Gronendyke,	Prentiss,	Woodard,
Hatch,	Reeves,	Woollen,
Hedrick,	Riggs,	Wynn—61.
Hollingsworth,		

Those who voted in the negative were, Messrs.

Cauthorn,	Martin,	Shirley,
Dial,	McConnell,	Shutt,
Durham,	Pfrimmer,	Smith,
Edwards, of Lawrence,	Reno,	Tulley,
Givan,	Richardson,	Whitworth,
Hardesty,	Rudder,	Willard,
Heller,	Rumsey,	Wolfin,
Hoyer,	Satterwhite,	Mr. Speaker—26.
Lenfesty,	Schmuck,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 137 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Gronendyke,	Riggs,
Baxter,	Hardesty,	Schmuck,
Blocher,	Hatch,	Scott,
Branham,	Hedrick,	Shirley,
Brett,	Hollingsworth,	Shutt,
Broadbuss,	Hoyer,	Spellman,
Butterworth,	Johnson,	Strange,
Butts,	Jones,	Teeter,
Cauthorn,	Kimball,	Tingley,
Clark,	King,	Thompson, of Elkhart,
Claypool,	Kirkpatrick,	Thompson, of Spencer,
Cline,	Lenfesty,	Troutman,
Cobb,	Lent,	Tulley,
Coffman,	Martin,	Walker,
Cole,	McConnell,	Wessner,
Crumacker,	McKinney,	Whitworth,
Dial,	Mellett,	Wilson, of Blackford,
Durham,	Miller,	Willson, of Ripley,
Edwards, of Lawrence,	North,	Wood,
Furnas,	Odle,	Woodard,
Gifford,	Ogden,	Wolfen,
Glassgow,	Peed,	Woollen,
Glazebrook,	Prentiss,	Wynn,
Goble,	Reeves,	Mr. Speaker—74.
Goudie,	Richardson,	

Those who voted in the negative were, Messrs.

Anderson,	Givan,	Rudder,
Bowser,	Heller,	Rumsey,
Buskirk,	Isenhower,	Smith,
Cowgill,	Pfrimmer,	Stanley,
Eaton,	Reno,	Willard—15.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed House Bill, to wit:

Engrossed House Bill No. 22. A bill to amend the first section and the title of an act approved March 4th, 1865, entitled "An act providing for the completion of unfinished business of any session of the General Assembly by the next succeeding special session of the General Assembly," and the same is herewith returned to the House.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following concurrent resolution, to wit:

WHEREAS, At the last session of the General Assembly of the State of Illinois, the Legislature of that State passed a joint resolution directing the Canal Commissioners to remove the Feeder Dam at Blue Island, in that State; and

WHEREAS, On the attempt of said Commissioners to carry out the order of the Legislature in this particular, an injunction was served on them restraining them from so doing; and

WHEREAS, Nothing definite has been done in the matter by the authorities of Illinois, and that the inhabitants of the Counties of Lake and Porter, in this State, are suffering great inconvenience and loss, both in lands and health, caused by the overflow of thousands of acres of valuable lands in said counties,

Therefore, be it Resolved by the Senate, (the House of Representatives concurring therein,) that the Attorney General of the State be, and he is hereby directed to repair at once to Chicago or such point where the court is held which issued said injunction, and learn the

exact grounds on which such injunction is passed, and to see what prospect exists for the speedy removal of said nuisance, and report to the General Assembly at the earliest possible opportunity.

In which the concurrence of the House is respectfully requested.

The Senate concurrent resolution in relation to the injunction granted against the canal commissioners of the State of Illinois, now pending in said State in the matter of the removal of the Feeder Dam at Blue Island, in said State, was taken from the Speaker's table and

On motion was concurred in.

Mr. Bowser offered the following resolution.

WHEREAS, At the last session of this assembly, there was referred to the committee on claims, the claims of Robert S. Taylor member from Allen county for expenses incurred by him in defending his seat against the contest against William B. Watters, upon which claim the committee failed to act, therefore

Resolved, That the committee on claims be directed to inquire whether any allowance should be made to said Taylor, and if so what it should be, and report to the House.

Which was adopted, and referred to the committee on claims.

Mr. Hardesty was granted indefinite leave of absence.

Mr. Wesner introduced

House Bill No. 169. An act to amend section one of an act entitled "An act to amend section one of an act entitled 'An act to amend section forty-three (43) of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement" approved July 17, 1852,' approved February 19, 1869," and which read as follows: approved February 8, 1871.

Which was read a first time and referred to the committee on the judiciary.

Mr. Brett introduced

House Bill No. 170. An act to amend sections 154 and 664, of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish district forms of action at law, and to provide for for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Givan introduced

House Bill No. 171. An act prescribing the manner of selecting petit jurors for the Circuit and Common Pleas Courts.

Which was read a first time and referred to the committee on the judiciary.

Mr. Shutt presented the claim of Henry Coleman for services.

Which was referred to the committee on claims.

Mr. Broadus introduced

House Bill No. 172. A bill to fix the time of holding the terms of the Common Pleas Court in the several counties comprising the Sixth Judicial District, the duration of such terms and repealing all laws in conflict therewith.

Which bill was read a first time, and

On motion, was referred to the following select committees :

Messrs. Broadus, chairman, Baxter, Walker and Goble.

By unanimous consent of the House, the committee on education was allowed a clerk.

Mr. Williard introduced

House Bill No. 173. An act to prevent empericism and to elevate

the standard of the medical profession establishing a board of examining physicians, declaring their fees in certain cases providing for the granting of licenses by them establishing penalties for the practice of medicine without license, and repealing all other acts and parts of acts in conflict with this act.

Which was read a first time and referred to the committee on rights and privileges.

Mr. Baker introduced

House Bill No. 174. An act to amend section 32 of an act, entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Which was read a first time and referred to the committee on cities and towns.

Mr. Isenhower introduced

House Bill No. 175. An act in relation to mortgages of real estate and the recording thereof, and to repeal all laws and parts of laws inconsistent with the provisions of this act.

Which was read a first time and referred to the committee on the judiciary.

Mr. Hedrick presented petitions from sundry citizens of Henry county on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Furnas presented petitions from sundry citizens of Hendricks county on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Miller presented petitions from the Grand Jury and sundry citizens of Decatur County on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Branham introduced

House Bill No. 176. A bill to prevent extortionate charges for, and unjust discrimination in the transportation of freights by railroad companies and other common carriers, and to provide a remedy when such extortion or discrimination are practiced.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Willson, of Ripley, introduced

House Bill No. 177. An act fixing the time of holding courts in the several counties composing the first judicial circuit of this State, and repealing all laws conflicting herewith, and declaring an emergency.

Which was read a first time, and referred to the committee on the organization of courts.

Mr. Willson, of Ripley, introduced

House Bill No. 178. An act to amend section one of an act entitled: an act to amend section seventy-seven of an act entitled: an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State; approved June 17, 1852; approved December 20, 1865.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Willson, of Ripley, introduced

House Bill No. 179. An act to amend section one of an act to revise, simplify, and abridge rules of practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity. approved June 18, 1852; approved February 2, 1855.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Wood introduced

House Bill No. 180. An act abolishing the Grand Jury system, except as therein provided, and prescribing the duties of Prosecuting Attorneys and Justices of the Peace, and other examining courts, in criminal cases.

Which was read a first time, and referred to the committee on the organization of courts.

Mr. Teter offered the following:

Joint Resolution No. 7. A joint resolution in relation to an appropriation by Congress for the completion of the harbor at Michigan City:

Be it Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be and they are hereby instructed and our Representatives requested to use all honorable means to secure an appropriation of money by Congress to complete the harbor at Michigan City.

Resolved, That His Excellency the Governor be requested to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Which was read and ordered to be engrossed.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cobb,	Glasgow,
Baker,	Crumpacker,	Glazebrook,
Blocher,	Dial,	Goble
Bowser,	Durham,	Goudie,
Branham,	Eaton,	Hardesty,
Buskirk,	Edwards, of Lawrence,	Hatch,
Cauthorn,	Furnas,	Hedrick,
Clark,	Gifford,	Heller,
Claypool,	Givan,	Hollingsworth,

Hoyer,	Pfrimmer,	Tingley,
Isenhower,	Prentiss,	Thompson, of Spencer,
Jones,	Reeves,	Thompson, of Elkhart,
Kimball,	Reno,	Troutman,
King,	Richardson,	Tulley,
Kirkpatrick,	Rudder,	Wesner,
Lenfesty,	Rumsey,	Whitworth,
Lent,	Schmuck,	Wilson, of Blackford,
Martin,	Scott,	Willson, of Ripley,
McConnell,	Shirley,	Wood,
Miller,	Schutt,	Woodard,
North,	Spellman,	Wolfli,
Odle,	Stanley,	Woollen,
Ogden,	Strange,	Mr. Speaker—71.
Peed,	Teter,	

Mr. Gronendyke voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

Mr. Kimball introduced

House Bill No. 181. An act in relation to the funded debt of the State of Indiana, therein mentioned.

Which was read a first time and referred to the committee on ways and means.

Mr. Glazebrook introduced

House Bill No. 182. An act defining the procuring of abortion or murder, as the case may be, prescribing punishment therefor, and repealing all laws conflicting with the same.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Hardesty introduced

House Bill No. 183. An act to divide the State into congressional districts.

Which was read a first time and referred to the committee on elections.

On motion of Mr. Blocher,

The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING.

DECEMBER 6, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

Prayer was offered by Rev. Mr. Chandler, of the North Baptist Church, of Indianapolis.

The Journal of yesterday was read in part, when,

On motion,

The further reading of the same was dispensed with.

Mr. Kimball, chairman of the committee on ways and means, submitted the following majority report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House Bill No. 129, to protect the Wabash and Erie canal, and the tolls and revenues thereof from sale or sequestration, for the satisfaction of the lien of certain bonds or stocks, etc., have had the same under consideration, and beg leave to make the following report :

The State broke down under the internal improvement system of 1836, without having completed or rendered productive a single one of her public works.

In 1841, she, from necessity, and not from choice, suspended the payment of interest on her public debt, and from that time until the adjustment made with a portion of her creditors in 1847, no interest was paid. At the time of this suspension, she owed over eleven million of dollars, or about 10 per cent. of all her taxable property.

Prior to the meeting of the Legislature in December, 1845, Mr. Charles Butler, of New York, by a speech made at Terre Haute, and by newspaper publications, caused it to be made known to the people of the State, that he would, as the agent of some of the principal foreign creditors of the State, meet the General Assembly at its next session, with a view of proposing such terms, and effecting such an arrangement as would place the debt upon a footing that would enable the State to resume payment on such part of the debt as might, by the adjustment, be charged upon the treasury of the State.

In the speech and newspaper articles alluded to, it was distinctly intimated by Mr. Butler, that his clients or constituents, would be willing to take some of the State's public works for a part of the debt if the State would issue new bonds or stocks for the balance, and resume the interest thereon.

Mr. Butler did present himself before the Legislature which met in December, 1845, and as the agent of a portion of the creditors of the State, opened negotiations with that body. The result was the passage of first State debt adjustment bill, approved January 19th, 1846, entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville."

The substance of this act, briefly stated was, that the entire bonded debt of the State which then, including accrued interest, amounted to nearly \$13,000,000, should be divided into two equal parts, and that one-half or part should be charged exclusively upon the Wabash and Erie canal, and the other half upon the State, that new interest bearing canal stocks should be issued for the first named half, chargeable exclusively upon the canal, and payable exclusively out of the revenues of the canal and the sales of some 800,000 acres of canal lands then owned by the State, and for the payment of these canal stocks, the State was in no way to be liable; that for the second half of the debt, new interest bearing State stocks, were to be issued, payable at the pleasure of the State, after the expiration of twenty years, and for the payment of the interest and the redemption of the principal of which, the faith of the State was to be pledged.

Mr. Butler, after the passage of this bill, took a copy of it to London, and laid it before a meeting of the holders of a considerable portion of our bonds, resident in that city.

The measure was fully discussed by these London bondholders,

and the result was that they drew up, or caused to be prepared, numerous amendments to the bill, which they entrusted to Mr. Butler with directions to submit them to the General Assembly of Indiana, which should meet in December, 1846, and endeavor to have them incorporated into a supplemental bill. Mr. Butler appeared again before the last-mentioned Legislature with the proposed amendments, and they were incorporated substantially as proposed in the supplementary bill approved January 27, 1847.

The main features of this bill are similar to the first bill already described. It funded the accrued interest and divided this interest into two equal parts, and for one of these halves it provided for the issuing of canal stocks bearing two and a half per cent. interest, and payable, as to both principal and interest, exclusively out of the revenues of the canal and the proceeds of the canal lands before mentioned. For the other half of this funded interest, the bill provided for the issuing of State stocks bearing two and a half per cent. interest, payable at the pleasure of the State after the expiration of twenty years, and pledged the faith of the State for the payment of these last-named stocks, principal and interest.

As to the principal of the debt, the supplementary bill of January 27th, 1847, also provided that it should be divided into two equal halves or parts; that for one of these halves or parts of such principal, canal stocks should be issued bearing five per cent. interest, to be charged upon and payable exclusively out of the revenues of the canal and the proceeds of the sales of the canal lands before mentioned, and for which the State was in no wise to be liable. As to the other half of the principal, the supplementary bill provided that new certificates of State stock, bearing five per cent. interest, should be issued, payable at the pleasure of the State after the expiration of twenty years, and for the payment of these the faith of the State was to be pledged. The two and a half and five per cent. State stocks, both as to principal and interest, were to be made payable in the city of New York.

As the success of the measure depended on the voluntary surrender by the creditors, of the old bonds and the taking in lieu thereof of new canal stocks for one-half, and new State stocks for the other half, of each certificate of stock or bond thus surrendered, and as the State could not compel any of her creditors thus to surrender, the seventh section of the act required that bonds to the amount of not less than \$4,000,000 of principal, exclusive of interest, should be surrendered on or before the first day of July, 1847, and the last

clause of the 9th section provided that a failure to surrender that amount by that time should render the original act and the supplementary act, null and void. The 9th section of the supplementary act also provided that whenever bonds to the amount of \$5,545,000 exclusive of interest, should be surrendered, then the Governor should convey to the Canal Trustees, the canal and the canal lands and the tolls and revenues of the canal by deed. Four millions of bonds were surrendered before the first day of July, 1847, and during the same month the amount was increased to \$5,545,000, and the canal and its lands, tolls, revenues, etc., were conveyed by Governor Whitcomb, in pursuance of said supplementary act, to the Trustees of the Canal, by whom it has ever since been held, and is still held under said acts.

From year to year since the taking effect of said adjustment until within a few years, other old bonds of the State have been surrendered under these adjustment acts, and new canal stocks for one-half and new State stocks for the other half of the bonds thus surrendered, have, from time to time, been issued. Of course every such surrender decreased the number of old bonds outstanding, but increased correspondingly the canal stocks and State stocks issued under these adjustment acts of 1846 and 1847.

The number of old bonds still outstanding was, two years or more ago, reduced to one hundred and ninety-one (191), and since then there have been no offers to surrender any of these still outstanding, and it is almost certain that no more of the one hundred and ninety-one still out will be surrendered under the provisions of these adjustment acts.

Of these one hundred and ninety-one old bonds still unsurrendered, it is now ascertained that seventy-seven of them were issued under the act of January 27, 1836, entitled "An act to provide for a general system of internal improvements," the ninth section of which made the bonds issued under that act a lien on the Wabash and Erie Canal and all other public works of the State. It is also ascertained that seventy-seven other of the one hundred and ninety-one bonds still out, were issued under acts of 1835, 1838 and 1839, which did not create the bonds thus issued a lien.

As to the remaining thirty-seven of the one hundred and ninety-one bonds still out, it is not known under what act or acts they were issued, or whether they are not a lien on the canal. If it should turn out that they were all issued under the act of January 27,

1836, then they are a lien on the canal, and the number of bonds included in the lien would be increased from seventy-seven to one hundred and fourteen.

Of the seventy-seven which are known to have been issued under the act of January 27, 1836, and are therefore lien, Mr. John W. Garrett owns forty. He also owns one bond issued under the act of January 12, 1839, which is not, I think, a lien on the canal. Mr. Garrett commenced a suit against the Trustees of the Wabash and Erie Canal, which is now pending in the Cass Circuit Court, to enforce this lien by a sale of the canal, or a sequestration of its revenues. A decree has already been rendered in his favor, and the 27th day of the present month has been designated as the day when a sequestrator shall take possession of the canal, if the matter is not sooner adjusted, and oust the Trustees. The suit is brought by Garrett for the benefit of all who hold bonds of the State that are a lien on the canal, and the holders of ten other bonds, issued under the act of January 27, 1836, have come in under Garrett's proceeding, and proved their bonds, so that there are now fifty proved in the action that are a lien on the canal. We estimate that it would require about \$200,000 to take up these fifty bonds, paying principal, interest, and exchange.

No interest has been paid on any of them since January, 1841, and as they are all coupon bonds, and the courts have frequently decided that the coupons bear interest from their maturity, the debt increases in amount very fast. If the remainder of the seventy seven bonds that are known to be a lien should be presented and proved, it would require some \$310,000 to take up the whole seventy-seven bonds known to be a lien.

Of the other seventy-seven which are known not to be a lien, the government of the United States owns sixty-seven. The interest on this sixty-seven was settled up to July, 1868, and the principal is not due for several years to come. The government also holds two other bonds, issued under the acts of 1836, which are a lien on the canal, and upon which the interest has been paid up to July, 1868, the principal not being due. The question is, ought we to pay these old bonds? We think we ought to pay them.

First. Because the State agreed to pay them.

Second. Because she is able to pay them.

Third. Because if we fail to pay them, the canal will, in spite of us, be subjected to the payment of such of them as are a lien on it,

and the trust will be destroyed, and then the holders of the canal stock will present themselves to the State, saying, the canal you gave us in satisfaction of one-half of our original debt, was taken from us to satisfy a prior lien created by the State, and the State authorities stood by and permitted this to be done, when they had the power to prevent it. And the demand will then be, that the State shall pay the entire canal debt, because it permitted the canal to be sold to pay its own debt. We know we are told, that if we pay these old bonds, such payment will make us liable for the canal debt.

The holders of the canal debt are shrewd business men, and they have certainly tried their best to get the State to assume the canal debt. If any thing will make the State liable for the canal debt, that is the very thing the holders of that debt desire to occur. If the payment of these old bonds would make the State liable for the canal debt, then the holders of the canal debt would be in favor of their payment, but, instead of this, we find the holders of the canal debt coming here through their agents, and presenting protests to both Houses of this General Assembly against the payment of these old bonds. We are of the opinion that this is the best of evidence of the fact that Garrett's suit is prosecuted for the benefit of the holders of the canal debt, and that they want the canal sold, so that they may come upon the State for the payment of the debt for which they took it.

In further support of the action of the committee, we respectfully refer to the opinion of Messrs. Hendricks, Hord & Hendricks, in relation thereto, and quote as follows:

"All these bonds were comprehended within the provisions of the legislation known as the Butler Bill, and might have been, but were not, surrendered under its provision.

"A proviso to the eighth section of the act of 1847, supplementary to the original Butler Bill, is as follows:

"*Provided, further,* That the State will make no provision whatever hereafter to pay either principal or interest of any Internal Improvement bond or bonds until the holder or holders thereof shall have first surrendered said bonds to the Agent of State, and shall have received in lieu thereof certificates of stock, as provided in the first section of this act, anything in this act to the contrary notwithstanding.

"If this proviso is understood as a legislative determination that any bondholder who declined to accept the compensation should be paid nothing, it is manifestly obnoxious to the provision of section

one, article ten, of the Constitution of the United States, which provides that no State shall pass any *expost facto* law or laws, impairing the obligation of contracts.

"The bondholders held the obligations of the State, redeemable in lawful money of the United States. It was not competent for the State to determine by law that it would redeem those obligations by paying one-half in its own five per cent. stocks, and the other half in canal stocks. It had no more legal or moral right to do this than to determine that it would pay nothing. It could do either with the assent of its creditors. Without such assent it could do neither."

* * * * *

That all such unsurrendered bonds remain valid obligations against the State, notwithstanding any declaration to the contrary by the Legislature, is settled by the Supreme Court of the United States, the Court of last resort in such questions.

So far, therefore, as concerns those unsurrendered bonds referred to, held by parties who declined to become parties in the Butler adjustment of 1846-7, we think it very clear that they are valid legal demands against the State, and that it is the manifest duty of the State to recognize them as such, and to provide for their payment. As suggested already, the payment of these bonds can not be enforced by direct legal proceedings against the State. But as the holders of the bonds have a lien to secure their payment on property once owned by the State, but now owned by private persons and corporations, claiming under grants made by the State, the payment may be coerced by legal proceedings against the present owners of the property to foreclose the lien.

The case of the Trustees of the Wabash and Erie Canal *vs.* Beers established the right of the bondholders thus to proceed.

All those unfinished public works were disposed of by the State, for what was deemed by the Legislature, an adequate consideration. In no case was the assumption of the payment of those bonds, or any portion of them, a part of that consideration. The works were not sold subject to any lien on account of this indebtedness. The present owners of those several public works are under no more moral or legal obligation to pay those bonds than they are to pay any other debt of the State. They are liable as other citizens are to pay their proportion of taxes for that purpose, and there their moral and legal duty in the premises ends.

There is clearly no more justice in permitting this property in their hands to be sold for the payment of this debt, than there would

be in confiscating any other private property of theirs for the payment of this or any other debt of the State.

If the State should arbitrarily refuse payment of these bonds to the holders, and should permit the Wabash and Erie Canal and the other canals and roads covered by the lien to be sold under judicial proceedings to satisfy the debt, without making full and just compensation to the owners of the works so sold, it certainly would be justly charged with violation of good faith.

If, out of the proceeds of such sales, the bonds should be satisfied, the liability of the State would not be at an end.

It would only assume a new, and probably, more serious form. The owners of the respective canals and roads so sold would immediately have a claim against the State, the justice of which would be too manifest to be denied.

The attitude of the owners of the stock of the Wabash and Erie Canal towards the State is such, that if that canal should be sold upon this lien, most serious embarrassments must result. It is understood that the owners of that canal stock desire that the State should resume the ownership of the canal, and re-assume the indebtedness adjusted under the Butler Compromise, and that they claim this as a legal or a moral right.

This question has not thus far been considered either in the legislative or judicial departments of the State Government. But it is understood that many citizens wholly controvert the claim, and that a contest over the question, either in the legislative or in the judicial forum, is imminent.

If the canal, or either division of it, should be sold upon both or either of the liens referred to, to satisfy the outstanding bonds of the State, and if the creditors who had taken the canal in compromise of their debts, should thereupon demand a rescission of the compromise agreement, and that they be let in again as creditors, their demand would be entitled to serious consideration.

If they should urge that their bonds that had been surrendered by them to the State in exchange for the canal should be restored to them because the State had suffered the property to be sold and taken from them for the payment of its own debt to other persons, the argument would, to say the least of it, be plausible. And it seems not improbable that if the canal should be sold and taken from the possession of its present owners under the lien created by the State in 1836, and prior thereto, for a debt which it has neither paid nor adjusted, the claim for a resumption of that part of her debt which

was adjusted under the Butler compromise would grow in importance and gain strength, and in the judgment of the people become practically settled in advance against the State, for it would be difficult, if not impossible, to say that the parties to that settlement should have neither their bonds nor the property which they agreed to receive in their discharge.

And in further support of the conclusion of the committee as to the liability of the State to pay these old bonds, and why she should pay them, we refer to section twenty-two of an act supplementary to "An act to provide for the funded debt of the State of Indiana," etc., approved January 27, 1847, as follows:

"Section 22. The debt which it is the object of the trust created by the said recited act (as amended by this act) to liquidate as in the said act is mentioned, having been contracted under the authority of the State of Indiana, and for the service of the people of that State, and it being desirable, as well for the credit of the State as also in order to establish confidence in the public in general, and the subscribers in particular, to secure the utmost punctuality in the fulfillment of the objects of said trust, it is hereby declared that tolls and revenues of the said canal, present and future, and the lands and lots so conveyed, or intended to be conveyed as hereinbefore mentioned, and the proceeds thereof when sold, shall be, and the same are hereby specially pledged to form a distinct and particular fund for the redemption of the stock and certificates to be issued in pursuance of the said recited act, and of this act. *And the said State shall not direct, or permit any appropriation to be made of such tolls and revenues, lands and proceeds, or any of them, for the general purposes of the State, or otherwise, however, other than and except for the purpose of the said trust as directed by the said act (as amended by this act), until the said stock and certificates, and all interest thereon, shall have been fully paid and satisfied out of the tolls and revenues of said canal, or the State shall have redeemed said stock and certificates by the payment of the principal thereof; the right of doing which after twenty years from the nineteenth day of January, 1846, is hereby reserved by the State as provided in the act to which this is an amendment.*"

Therefore, the committee, or a majority thereof, beg leave to recommend, and urge, the passage of the bill.

NATHAN KIMBALL,
D. C. BRANHAM,
BENJ. F. TINGLEY,
JOHN GRONENDYKE.

Mr. Willard, from the committee on ways and means, submitted the following minority report:

MR. SPEAKER:

The Committee of Ways and Means, on the part of the minority of said committee, beg leave to report that they have had under consideration House Bill No. 119, entitled "A bill to protect the Wabash and Erie Canal and the tolls and revenues thereof from sale or sequestration for the satisfaction of the lien of certain bonds or stocks of the State, issued prior to the transfer of said canal to the present Board of Trustees thereof, and to provide for the satisfaction of said bonds or stocks," and concur in making the following report:

First. That whereas an act approved January 27, 1847, entitled "An act supplementary to an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville, approved January 19, 1846," contained this proviso: "That the State will make no provision whatever hereafter to pay either principal or interest on any internal improvement bond or bonds until the holder or holders thereof shall have first surrendered said bonds to the Agent of State, and shall have received in lieu thereof certificates of stock, as provided in the first section of this act, anything in this act to the contrary notwithstanding."

And we, the minority of your committee, believe that said proviso of the act of 1847, commonly known as the Butler Bill, was either valid or void. That, if valid, then this claim of Garrett and others against the Trustees of the Wabash and Erie Canal can not in any way effect the State of Indiana, and that the State is in no way responsible for the payment of said claim, as the holders of said claim have not complied with the conditions precedent of said act. And further, we of the minority of said Committee of Ways and Means are of the opinion that, by the passage of the present bill now under consideration, we, the General Assembly of the State of Indiana, will practically pass a bill rendering null the proviso aforesaid of the act of 1847, commonly known as the Butler Bill, which declared "that the State will make no provision whatever hereafter to pay either principal or interest on any internal improvement bond or bonds until the holder or holders thereof shall have first surrendered said bonds to the Agent of State, and shall have received in

lien thereof certificates of stock, as provided in the first section of this act, anything in this act to the contrary notwithstanding," and thereby rendering it questionable whether the holders of the bonds who surrendered them for certificates of stock in the Wabash and Erie Canal might not be entitled to claim that the original liability of the State previous to the passage of the act of 1847, aforesaid, and previous to the issue of the said stock, was revived, thus leaving in doubt the question as to whether the State is not liable for, and bound in honor to pay, the bonds surrendered as aforesaid under the provisions of said act of 1847, in lieu of canal stock amounting to over seven millions of dollars.

Second. That whereas it was provided by the said act of 1847, commonly known as the Butler Bill, "that unless bonds to the amount of four millions of dollars, exclusive of interest, shall be surrendered for cancellation as provided in said original act as modified by this, on or before the first day of July, 1847, then, and in that case, the said former act, and this act and every clause, proviso, matter and thing therein and herein respectively contained, shall cease, determine and be utterly void." Therefore, we of the minority of your committee concur in the belief that the holders of the bonds exchanged them for canal stock, with the knowledge that there were bonds still outstanding which might become a lien on said canal; that, therefore the State did not agree to save harmless the Trustees of said canal, and the beneficiaries holding under them from the said lien of the bonds unsurrendered as aforesaid, and that therefore we of the minority beg leave to express great doubt as to whether the State can, in any event, be made liable to the Trustees of the canal for any loss they may sustain by reason of such lien enforced against them by Garrett and others.

Third. That, whereas, the unsurrendered bonds amount in all to the sum of \$191,000 in bonds, with interest thereon unpaid for the period of thirty-one years, amounting in all to the sum of over one-half millions of dollars, and that of these one hundred and ninety-one bonds as aforesaid, only forty-three are now to be satisfied by the judgment rendered in the Circuit Court of Cass county. That, therefore, we of the minority of your committee are of the opinion that, in whatever light we may regard the liability of the State for this claim, that under no circumstances should provision be made for the payment of more than the said forty-three bonds held by

Garrett and others, payment of which is now ordered by the judgment as aforesaid.

Fourth. That whereas grave doubt has been expressed as to whether the Trustees of the Wabash and Erie Canal have complied with the provisions of the act of 1847, known as the Butler Bill, in regard to the completion and improvement of said canal. That therefore, in whatever light we may regard the liability of the State, for this claim of Garrett and others, that the State should under no circumstances assume the payment of said claim until fully satisfied that the Trustees of said canal have complied with the provisions of the act aforesaid.

Fifth. That whereas under the provisions of this act now under consideration, the State may be made a party to innumerable suits, and be forced into the payment of judgments amounting, as it is claimed, to many millions of dollars, that we the minority of your committee concur in believing that this provision of the bill is fraught with the greatest danger to the State and her interests, and that had we concurred with the majority of the committee as regards that portion of the bill providing for the redemption of said bonds, now held by Garrett and others, yet even in that case we would have protested under the gravest apprehension, against those provisions of the bill, allowing the State to be made a party to such suits and vesting discretionary power in the officers mentioned in the bill. Therefore, in view of these facts above mentioned we of the minority of your committee of ways and means, beg leave respectfully to recommend that House Bill No. 129, lie upon the table.

JAMES H. WILLARD.

HENRY A. PEEL.

M. L. BRETT.

Which bill was read a second time.

Mr. Cauthorn offered the following resolution :

Resolved, That the report of the committee of ways and means on House Bill No. 129, and the report of the minority thereof, do lie on the table, and five hundred copies thereof be printed for the use of the House, and the consideration thereof be made the special order

for Tuesday next, on the meeting of the House, after reading the journal.

Which was adopted.

The following message was received from the Governor, by his private secretary, John M. Commons :

MR. SPEAKER :

By direction of the Governor, I have the honor to transmit herewith a communication in relation to the two per cent. fund of the States of Ohio, Indiana, and Illinois.

JOHN M. COMMONS,

Private Secretary.

Gentlemen of the Senate and House of Representatives :

I beg leave respectfully to call your attention to the fact that the States of Ohio, Indiana and Illinois only received from the General Government three per cent. of the net proceeds of the sales of public lands within their respective limits ; while other States having public lands within their borders received five per cent. of the net proceeds of the sales thereof. A bill is now pending in Congress to put Ohio, Indiana and Illinois on an equality with the other States before alluded to, by paying to the said three States respectively, the remaining two per cent. of the sales of the public lands within their respective limits aforesaid. Should the bill pass, the amount payable to this State will exceed \$400,000 ; and believing that the claim is just, I respectfully recommend the passage of a joint resolution instructing our Senators and requesting our Representatives to cast their votes and use their influence in favor of its passage.

Hon. Isaac W. Morris, of Illinois, has been engaged in the presentation of the claims to Congress on behalf of the three States interested therein, and I have caused a pamphlet, of which he is the author, in which the merits of the claims are discussed, to be laid on the desks of the members of both Houses of the General Assembly.

Mr. Morris is to receive no compensation from this State for his services unless he is successful in securing the claims ; and if he shall be successful, he is to receive such compensation, and only such as the General Assembly may see proper to allow.

CONRAD BAKER,

Governor.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary to whom was referred House Bill No. 62, entitled "An act limiting the disposition of property by last will and testament in certain cases, and providing to what extent certain testamentary devises shall be valid and repealing all other acts and parts of acts inconsistent with this act," have had the same under consideration and have directed me to report the same back to the House with the recommendation that the same lie on the table.

Mr. Cauthorn, from the committee on the judiciary, submitted the following minority report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 62, entitled "An act limiting the disposition of property by last will and testament in certain cases, and providing to what extent certain testamentary devises shall be valid and repealing all other acts and parts of acts inconsistent with this act," having recommended that the same lie on the table. We, a minority of said committee deeming the provisions of said proposed act of public propriety, beg leave to recommend to the House the passage of the bill, with an amendment inserting the words, "in trust or otherwise," after the words "society, association or corporation."

On motion,

The minority report was not adopted.

On motion,

The majority report was concurred in, and the bill was read a second time.

Mr. Mellett, chairman of the committee on education, submitted the following report :

MR. SPEAKER :

Your committee on education, to whom was referred House Bill No. 138, having had the same under advisement, recommend that the words, "on all property owned by said person in the township where such city or town is located," be inserted after the word "town," in the eighth line from the last line of the first section of said bill, and with this amendment recommend its passage.

Which report was concurred in, the amendment adopted, the bill read a second time and ordered to be engrossed.

Mr. Billingsley, from the committee on education, reported back to the House the memorial from the State Normal School, and moved that the same lie on the table, and that three hundred copies be printed for the use of the members of the House.

Which motion was not adopted.

Mr. Furnas, chairman of the committee on agriculture, submitted the following report :

MR. SPEAKER :

Your committee on agriculture to whom was referred House, Bill No. 140, being a bill to repeal all laws for the protection of fish, have had the same under consideration, and respectfully recommend that it be indefinitely postponed.

Which report was concurred in, and the bill was indefinitely postponed.

Mr. Gifford, chairman of the committee on cities and towns, submitted the following report :

MR. SPEAKER :

The committee to whom was referred House Bill No. 128, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which report was concurred in, the bill read a second time, and ordered to be engrossed.

Mr. Brett moved to reconsider the vote on the motion of Mr. Billingsley, in relation to the printing of 300 copies of the memorial of the State Normal School.

Which motion prevailed.

Mr. Branham moved to lay the memorial on the table, and that 500 copies be printed for the use of the members of this House.

Which motion prevailed.

Mr. Gifford, chairman of the committee on cities and towns submitted the following report:

MR. SPEAKER:

The committee to whom was referred House Bill No. 99, have had the same under consideration and have instructed me to report said bill back to the House with the recommendation that it pass.

Mr. Willard offered the following amendment:

Amend first section by inserting "four" in the place of "ten" per cent.

Mr. Baker moved to lay the amendment on the table.

Which motion prevailed.

The bill was read a second time, and

On motion,

Recommitted to the committee on cities and towns.

Mr. Jones introduced

House Bill No. 184. An act creating the Thirtieth Judicial Circuit, providing for the election of a judge thereof, and providing compensation therefor, declaring the jurisdiction of said court, and providing for a transfer of actions thereto, and declaring an emergency.

Which bill was read a first time and referred to the committee on the judiciary.

Mr. Jones presented a petition of sundry citizens of the town of Huntingburgh, in Dubois county, praying for the passage of a law legalizing the survey of said town.

Which petition was referred to the committee on cities and towns.

Mr. Peed introduced

House Bill No. 185. An act to legalize the official acts of the Board of Trustees of the town of Huntingburgh, Dubois county, Indiana, and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Which bill was read a first time and referred to the committee on cities and towns.

Mr. Peed introduced

House Bill No. 186. An act to amend an act, entitled "An act declaring the having of carnal knowledge of an insane woman in certain cases, to be a felony, and making accessories principals therein and prescribing the punishment thereof."

Which bill was read a first time and referred to the committee on the judiciary.

Mr. Reeves presented sundry petitions from the citizens of Monroe county, on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Satterwhite introduced

House Bill No. 187. An act to prohibit township trustees from levying a tax upon the inhabitants of incorporated towns, or the real or personal property of the said inhabitants situate therein, repealing all laws or parts of laws in conflict therewith, and declaring an emergency.

Which was read a first time and referred to the committee on county and township business.

Mr. Satterwhite offered the following resolution :

WHEREAS, As the duties of the Pages, now employed by this House, is all that should be imposed upon them to attend to the demands of the members within the bar of the House without having to attend to any duties outside the bar, and

WHEREAS, The members have frequent messages to the Post-office, Secretary of State, Senate, etc.,

Be it resolved, That Eddie Vawter and Charlie Brown, who have been performing duty as pages for some days, without being regularly appointed, be employed by the Doorkeeper as pages, to do such duties as are required outside of the bar, and fully relieve the present floor pages from being sent out when their services are needed in the House.

On motion of Mr. Kimball,

The time from which said pages should be allowed pay, was fixed from the first day of the present term.

Whereupon the resolution was adopted.

Mr. Shirley introduced

House Bill No. 188. An act to amend section 433 of an act, entitled, "An act to revise, simplify the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Woodard introduced

House Bill No. 189. An act to place directors, and other officers of macademized and gravel road companies, organized under the laws of this State, whenever they may have become creditors of such corporations, on equal terms with other creditors in any and all suits

for the collection of money due them, and to repeal all laws in conflict herewith."

Which was read a first time, and referred to the committee on corporations.

Mr. Schmuck presented a petition from sundry citizens of Perry county on the subject of the repeal of the license law.

Which was referred to the committee on temperance.

Mr. Whitworth introduced

House Bill No. 190. An act to amend sections 25 and 26 of an act, entitled, "An act regulating decedents, and the apportionment of estates," approved May 14, 1852.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Hatch introduced

House Bill No. 191. An act defining certain felonies, prescribing the penalties therefor, repealing all laws in conflict therewith, and declaring an emergency.

Which was read a first time, and referred to the committee on agriculture.

Mr. Butts introduced

House Bill No. 192. An act to amend section 7 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," and declaring an emergency.

Which was read a first time and referred to the committee on roads.

Mr. Butts introduced

House Bill No. 193. An act to amend section 2 of an act entitled "An act to provide for the protection of wild game and defining the time in which the same may be taken or killed, and prescribing the

penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 11, 1867.

Which was read a first time and referred to the committee on agriculture.

Mr. Glasgow introduced

House Bill No. 194. An act repealing section 18 of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852, and declaring an emergency.

Which was read a first time and referred to the committee on the organization of courts.

Mr. Henderson introduced

House Bill No. 195. An act to amend the first section of an act entitled "An act to incorporate the University of Notre Dame DuLac, at South Bend, St. Joseph county, Indiana," approved January 15, 1844.

Which was read a first time and referred to the committee on the judiciary.

Mr. Hollingsworth introduced

House Bill No. 196. An act to prevent injurious results arising from the use of intoxicating drinks by public officers, and declaring an emergency.

Which was read a first time and referred to the committee on temperance.

Mr. Cole introduced

House Bill No. 197. An act regulating the fees of certain officers herein named, and repealing former acts in relation thereto, and declaring an emergency.

Which was read a first time and referred to the committee on fee and salaries.

Mr. Riggs introduced

House Bill No. 198. A bill to amend the 15th, 19th, 31st, and 49th sections of an act approved May 12, 1869, entitled "An act to provide for the organization of savings banks and the proper management of their officers.

Which was read a first time and referred to the committee on banks.

Mr. Rudder introduced

House Bill No. 199. An act concerning the fees of County Recorders, and to amend an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1872.

Which was read a first time and referred to the committee on fees and salaries.

Mr. Branham offered the following joint resolution in relation to the subject referred to in the message of the Governor, referring to the two per cent. claims of Illinois, Indiana, and Ohio, arising under the contracts between the Government of the United States and said States:

Joint Resolution No. 8. A joint resolution in relation to the two per cent claims of Ohio, Indiana and Illinois, now pending before Congress.

WHEREAS, There is a bill now pending before the Congress of the United States in relation to the two per cent claims of the States aforesaid, the substantial part of which reads as follows:

That the true intent and meaning of the second section of the act approved March 3d, 1857, entitled "An act to settle certain accounts between the United States and the States of Mississippi and other States," is that all the other States, to wit: Ohio, Indiana, Illinois, which have not received the full amount of their five per cent. of the net proceeds of the sale of the public lands lying within their respective limits, as mentioned in their several enabling acts, in money, shall have their accounts slated, both on the public lands and reservation, and such cash balance as has not been paid to said States, allowed and paid, and

WHEREAS, It is the judgment of this General Assembly that the provisions of the said bill are just and ought to become a law, therefore, be it

Resolved, (by the General Assembly of the the State of Indiana,) That our Senators in Congress be and they are hereby instructed, and our Representatives be requested to vote for said bill and use their influence to procure its speedy passage.

Be it further resolved, That the Governor be, and is hereby requested to transmit a copy of this joint resolution to each of our Senators and Representatives in the Congress of the United States.

The joint resolution was read, and,

On motion,

The same was considered as engrossed, and put upon its passage.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cowgill,	Heller,
Baker,	Crumpacker,	Henderson,
Baxter,	Dial,	Hollingsworth,
Billingsley,	Durham,	Hoyer,
Blocher,	Eaton,	Isenhower,
Bowser,	Edwards, of Lawrence,	Johnson,
Branham,	Ellsworth,	Jones,
Brett,	Eward,	Kimball,
Broadus,	Furnas,	King,
Buskirk,	Gifford,	Kirkpatrick,
Butterworth,	Givan,	Lenfesty,
Butts,	Glasgow,	Lent,
Cauthorn,	Glazebrook,	Martin,
Clark,	Goble,	Mellet,
Claypool,	Gondie,	Miller,
Cline,	Gregory,	McConnell,
Cobb,	Gronendyke,	McKinney,
Coffman,	Hatch,	North,
Cole,	Hedrick,	Odle,

Offutt,	Scott,	Troutman,
Ogden,	Shirley,	Tulley,
Peed,	Shutt,	Whitworth,
Pfrimmer,	Smith,	Willard,
Prentiss,	Spellman,	Wilson, of Blackford,
Reeves,	Stanley,	Willson, of Ripley,
Reno,	Strange,	Wood,
Richardson,	Teter,	Woodard,
Riggs,	Thayer,	Wolflin,
Rudder,	Tingley,	Woollen,
Rumsey,	Thompson, of Elkhart,	Wynn,
Satterwhite,	Thomson, of Spencer,	Mr. Speaker—92.
Schmuck,		

No one voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

Mr. Woollen offered the following resolution.

Resolved, By the House Representatives, (the Senate concurring) that a committee of nine, six on the part of House and three on the part of the Senate, be appointed, to be so distributed as near as possible, to represent the different parts of the State, who shall make an equalization of the judicial circuits and districts of the State, taking as a basis a population of not less than sixty thousand inhabitants, as near as may be, and requiring as near as may be, the time of each judge for at least forty weeks in the year, and that said committee report to the Senate and House a bill creating said several circuits and districts at the regular session; said circuits shall be made with reference to the present residence of the judges; said committee shall have power to sit during the vacation between the special and regular sessions, and shall be allowed for their services five dollars per day each, for each day engaged on such committee.

Which was laid upon the table.

Mr. Baker offered the following resolution.

Resolved, That the committees on insurance and judiciary be and the same are hereby required to report to this House at their earliest convenience, by bill or otherwise, such measures as may be necessary for the creation of a Bureau of Insurance for the State of Indiana, and for the better protection of policy holders in life and other insurance companies.

Which was adopted.

Senate Bill No. 8. Was taken from the Speaker's table and read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Givan,	Offutt,
Baker,	Glasgow,	Ogden,
Billingsley,	Glazebrook,	Peed,
Blocher,	Goble,	Prentiss,
Bowser,	Goudie,	Reeves,
Branham,	Gregory,	Reno,
Brett,	Gronendyke,	Richardson,
Broadbuss,	Hatch,	Riggs,
Butts,	Hedrick,	Rudder,
Cauthorn,	Heller,	Rumsey,
Clark,	Henderson,	Satterwhite,
Claypool,	Hollingsworth,	Schmuck,
Cobb,	Hoyer,	Scott,
Coffman,	Johnson,	Shirley,
Cole,	King,	Shutt,
Cowgill,	Kirkpatrick,	Smith,
Crumpacker,	Lenfesty,	Spellman,
Dial,	Lent,	Stanley,
Durham,	Martin,	Strange,
Eaton,	McConnell,	Teeter,
Edwards of Lawrence,	McKinney,	Thayer,
Ellsworth,	Melletts,	Tingley,
Eward,	Miller,	Thompson, of Elkhart,
Furnas,	North,	Thompson, of Spencer,
Gifford,	Odle,	Troutman,

Tulley,	Willard,	Woollen,
Walker,	Wilson, of Blackford,	Wynn,
Wesner,	Wood,	Mr. Speaker—84.
Whitworth,	Wolflin,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 166 was taken from the Speaker's table, read a second time, and ordered to be engrossed.

House Bill No. 164 was taken from the Speaker's table and read a second time.

Mr. Walker offered the following amendment:

Amend section three by adding "or to establish and maintain an institution for the medical treatment of males and females," after the word "industry."

Which amendment was adopted, and the bill, as amended, ordered to be engrossed.

House Bill No. 165 was taken from the Speaker's table, read a second time and ordered to be engrossed.

Mr. Cauthorn offered

Joint Resolution No. 9. A joint resolution in relation to an appropriation by Congress for the improvement of the Wabash river.

Be it Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be and they are hereby instructed, and our Representatives are requested to use all honorable means to secure an appropriation of two hundred thousand dollars to improve the navigation of the Wabash river.

Resolved, That His Excellency the Governor be requested to send a copy of this resolution to each of our Senators and Representatives in Congress.

The joint resolution was read, and on motion considered as engrossed, and put upon its passage.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were Messrs.

Anderson,	Gronendyke,	Rudder,
Baker,	Hatch	Rumsey,
Baxter,	Hedrick,	Satterwhite,
Billingsley,	Heller,	Schmuck,
Blocher,	Henderson,	Shirley,
Bowser,	Hollingsworth,	Shutt,
Branham,	Hoyer,	Smith,
Brett,	Isenhower,	Spellman,
Butterworth,	Johnson,	Strange,
Butts,	Jones,	Teeter,
Cauthorn,	Kimball,	Thayer,
Clark,	King,	Tingley,
Claypool,	Kirkpatrick,	Thompson, of Elkhart,
Cobb,	Lent,	Thompson, of Spencer,
Coffman,	Martin,	Troutman,
Cole,	McConnell,	Tulley,
Cowgill,	McKinney,	Walker,
Crumpacker,	Mellett,	Wesner,
Dial,	Miller,	Whitworth,
Durham,	North,	Willard,
Eaton,	Odle,	Wood,
Edwards, of Lawrence,	Offut,	Woodard,
Ellsworth,	Ogden	Wolfen,
Eward,	Peed,	Woollen,
Glazebrook,	Reeves,	Wynn,
Goble,	Reno,	Mr. Speaker—82.
Goudie,	Riggs,	

Those who voted in the negative were, Messrs.

Broadbus,	Scott,	Wilson, of Blackford-5
Lenfesty,	Stanley,	

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

Mr. Eward asked leave of absence for this afternoon.

Which was granted.

Mr. Kimball, chairman of the committee on ways and means, submitted the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred, House Bill No. 181, being "a bill in relation to the funded debt of the State of Indiana, therein mentioned," have had the same under consideration, and direct me to report the same back to the House, with a recommendation that the blank in section 7 be filled with "five hundred," and when so amended, that said bill be passed.

The report was concurred in, and the amendment was adopted, the bill read a second time and ordered to be engrossed.

Mr. Wesner presented a petition on the subject of temperance from sundry citizens of Boone county.

Which was referred to the committee on temperance.

On motion of Mr. Baker,

The House adjourned until 2 o'clock P. M.

FRIDAY AFTERNOON, 2 O'CLOCK.

The house met pursuant to adjournment with the Speaker in the chair.

On motion of Mr. Givan,

House Bill No. 56 was taken from the Speaker's table, read a second time and ordered to be engrossed.

Mr. Walker offered the following resolution:

Resolved, That the reporters of this House, be furnished by the Doorkeeper with the revised statutes of Gavin & Hord, for their use during the session.

Which was adopted.

By the consent of the House, Mr. Mellett introduced.

House Bill No. 200. An act to authorize and empower boards of county commissioners to equalize local county bounty to soldiers, to issue bonds or orders therefor, to levy and collect taxes for the redemption of such bonds or orders, declaring how such taxes may be collected when such bonds or orders shall be issued, the time when they shall be paid, the rate of such interest thereon, and legalizing such as have been issued, and declaring an emergency.

Which was read a first time, and referred to the committee on federal relations.

By consent of the House, Mr. Cobb introduced

House Bill No. 201. An act exempting property of cities and incorporated towns from sale in certain cases on exemption or order of any court, and declaring an emergency.

Which was read a first time.

By consent of the House, Mr. Pfrimmer introduced

House Bill No. 202. An act to amend the eighth section of an act, entitled "An act prescribing the powers and duties of coroners," approved, May 27, 1852.

Which was read a first time, and referred to the committee on the judiciary.

House Bill No. 6 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baxter,	Heller,	Satterwhite,
Blocher,	Henderson,	Schmuck,
Bowser,	Hollingsworth,	Scott,
Branham,	Hoyer,	Shirley,
Broadus,	Isenhower,	Shutt,
Buskirk,	Kimball,	Smith,
Butterworth,	Kirkpatrick,	Spellman,
Cauthorn,	Lenfesty,	Stanley,
Clark,	Lent,	Strange,
Claypool,	Martin,	Teeter,
Cline,	McConnell,	Tingley,
Cobb,	McKinney,	Thompson, of Elkhart,
Coffman,	Mellett,	Thompson, of Spencer,
Crumpacker,	North,	Troutman,
Dial,	Odle,	Tulley,
Durham,	Offut,	Walker,
Eaton,	Ogden,	Wesner,
Edwards, of Lawrence,	Peed,	Whitworth,
Furnas,	Pfrimmer,	Willard,
Gifford,	Prentiss,	Wilson, of Blackford,
Givan,	Reeves,	Wood,
Glasgow,	Reno,	Woodard,
Goudie,	Richardson,	Wynn,
Gronendyke,	Riggs,	Mr. Speaker—76.
Hatch,	Rudder,	
Hedrick,	Rumsey,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The joint committee on enrolled bills made the following report :

MR. SPEAKER :

Your joint committee to whom was referred Enrolled House Bill No. 22, entitled "An act to amend the first section and the title of an act approved March 4, 1865," have compared said enrolled act with the engrossed bill and find the same correctly enrolled.

The committee on engrossed bills submitted the following report :

MR. SPEAKER :

The committee on engrossed bills have examined Engrossed Bills Nos. 6, 36, 59, 139, 144, and 155, with the original copies, and find them in all respects properly engrossed.

House Bill No. 36 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs.

Blocher,	Eaton,	King,
Bowser,	Edwards, of Lawrence,	Kirkpatrick,
Brett,	Furnas,	Lenfesty,
Broadus,	Gifford,	Martin,
Buskirk,	Givan,	McConnell,
Butterworth,	Glasgow,	McKinney,
Butts,	Glazebrook,	Melletts,
Canthorn,	Goble,	Miller,
Clark,	Goudie,	North,
Claypool,	Hatch,	Odle,
Cline,	Hedrick,	Offutt,
Cobb,	Heller,	Ogden,
Coffman,	Henderson,	Peed,
Cole,	Hollingsworth,	Reeves,
Crumpacker,	Isenhower,	Richardson,
Dial,	Johnson,	Riggs,
Durham,	Kimball,	Rudder,

Rumsey,	Teter,	Wesner,
Satterwhite,	Thayer,	Whitworth,
Scott,	Tingley,	Willard,
Shirley,	Thompson, of Elkhart,	Wilson, of Blackford,
Shutt,	Thompson, of Spencer,	Wood,
Smith,	Troutman,	Woodard,
Stanley,	Tulley	Wynn,
Strange,	Walker,	Mr. Speaker—75.

Those who voted in the negative were, Messrs.

Gronendyke,

Spellman—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 59 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gondie,	Shirley,
Bowser,	Grondyke,	Shutt,
Broaddus,	Hatch,	Smith,
Buskirk,	Isenhower,	Spellman,
Clark,	Kimball,	Stanley,
Claypool,	Kirkpatrick,	Strange,
Cline,	Martin,	Teter,
Coffman,	McConnell,	Thayer,
Crumpacker,	McKinney,	Tingley,
Dial,	Mellet,	Thompson, of Elkhart,
Durham,	Miller,	Thompson, of Spencer,
Eaton,	Offutt,	Tulley,
Gifford,	Peed,	Walker,
Givan,	Prentiss,	Whitworth,
Glasgow,	Reeves,	Willard,
Glazebrook,	Riggs,	Woodard,
Goble,	Rumsey,	Wynn—51.

Those who voted in the negative were, Messrs.

Baker,	Henderson,	Richardson,
Blocher,	Hollingsworth,	Rudder,
Branham,	Hoyer,	Satterwhite,
Butts,	Jones,	Schmuck,
Butterworth,	King,	Scott,
Cole,	Lenfesty,	Troutman,
Edwards, of Lawrence,	North,	Wesner,
Furnas,	Odle,	Wilson, of Blackford,
Hedrick,	Ogden,	Wood,
Heller,	Reno,	Mr. Speaker—30.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 139 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Crumpacker,	Hollingsworth,
Baxter,	Durham,	Hoyer,
Blocher,	Eaton,	Isenhower,
Bowser,	Edwards, of Lawrence,	Johnson,
Branham,	Furnas,	Jones,
Brett,	Gifford,	Kimball,
Broadus,	Givan,	Kirkpatrick,
Buskirk,	Glasgow,	Lenfesty,
Butterworth,	Glazebrook,	Martin,
Clark,	Goble,	McConnell,
Claypool,	Goudie,	McKinney,
Cline,	Gronendyke,	Mellet,
Cobb,	Hatch,	Miller,
Coffman,	Hedrick,	North,
Cowgill,	Heller,	Odle,

Ogden,	Shutt,	Thompson, of Spencer,
Prentiss,	Spellman,	Troutman,
Reeves,	Stanley,	Tulley,
Riggs,	Strange,	Walker,
Rudder,	Teeter,	Whitworth,
Rumsey,	Thayer,	Wilson, of Blackford,
Satterwhite,	Tingley,	Wynn,
Scott,	Thompson, of Elkhart,	Mr. Speaker—69.

Those who voted in the negative were, Messrs.

Cauthorn,	Reno,	Wesner,
Henderson,	Richardson,	Willard,
King,	Sehmuek,	Wood,
Offutt,	Shirley,	Woodard—14.
Peed,	Smith,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

House Bill No. 144 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs.

Anderson,	Claypool,	Givan,
Baxter,	Cline,	Glassgow,
Blo. her,	Cobb,	Glazebrook,
Bowser,	Coffman,	Goble,
Branham,	Cole,	Goudie,
Brett,	Cowgill,	Gronendyke,
Broadbus,	Crumpacker,	Hatch,
Buskirk,	Dial,	Hedrick,
Butterworth,	Eaton,	Heller,
Butts,	Edwards, of Lawrence,	Henderson,
Cauthorn,	Furnas,	Hoyer,
Clark,	Gifford,	Isenhower,

Johnson,	Prentiss,	Teter,
Jones,	Reeves,	Thayer,
Kimball,	Reno,	Tingley,
King,	Richardson,	Thompson, of Elkhart,
Kirkpatrick,	Riggs,	Thompson, of Spencer,
Lenfesty,	Rudder,	Troutman,
Lent,	Rumsey,	Tulley,
Martin,	Satterwhite,	Walker,
McConnell,	Schmuck,	Wesner,
Mellett,	Scott,	Whitworth,
Miller,	Shirley,	Willard,
North,	Shutt,	Wilson, of Blackford,
Odle,	Smith,	Wood,
Offutt,	Spellman.	Wynn,
Ogden,	Stanley,	Mr. Speaker—83.
Peed,	Strange,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to wit:

Engrossed Senate Bill No. 38. An act supplemental to an act approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named; to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."

Also, I am directed by the Senate to inform the House that the Senate has passed the following Senate bill, to wit:

Engrossed Senate Bill No. 124. A bill to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency.

All of which is herewith respectfully transmitted to the House.

Also, I am directed by the Senate to inform the House that the Senate has passed the following engrossed House Bill, to wit:

House Bill No. 92. A bill to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 6th, 1867, and repealing section eleven of such act.

Also, I am directed by the Senate to inform the House that the Senate has passed the following House bill, to wit:

House Bill No. 98. A bill to make certain specific appropriations therein mentioned.

And the same is herewith returned to the House.

On motion of Mr. Cauthorn,

The regular business was suspended and Senate Bill No. 124 was taken up and read a first time.

Mr. Branham moved to suspend the constitutional rule, have the bill read a second time, considered as engrossed, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Butts,	Dial,
Baxter,	Cauthorn,	Durham,
Bowser,	Clark,	Eaton,
Branham,	Claypool,	Edwards, of Lawrence,
Brett,	Cline,	Furnas,
Broadbush,	Cole,	Gifford,
Buskirk,	Cowgill,	Glazebrook,
Butterworth,	Crumpacker,	Goble,

Goudie,	North,	Stanley,
Gronendyke,	Odle,	Strange,
Hatch,	Offutt,	Teter,
Hedrick,	Ogden,	Thayer,
Heller,	Peed,	Tingley,
Henderson,	Prentiss,	Thompson, of Elkhart,
Hollingsworth,	Reeves,	Thompson, of Spencer,
Hoyer,	Reno,	Troutman,
Isenhower,	Richardson,	Tulley,
Jones,	Riggs,	Walker,
Kimball,	Rudder,	Wesner,
King,	Rumsey,	Whitworth,
Kirkpatrick,	Satterwhite,	Willard,
Lenfesty,	Schmuck,	Wilson, of Blackford,
Lent,	Scott,	Wood,
Martin,	Shirley,	Woodard,
McConnell,	Shutt,	Wynn,
Melletts,	Spellman,	Mr. Speaker—79.
Miller,		

Those who voted in the negative were, Messrs.

Blocher, Smith—2.

So the rules were suspended, the bill read a second time, considered as engrossed, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative, were, Messrs.

Anderson,	Clark,	Edwards, of Lawrence,
Baker,	Claypool,	Furnas,
Baxter,	Cline,	Gifford,
Bowser,	Cobb,	Givan,
Branham,	Coffman,	Glasgow,
Brett,	Cole,	Glazebrook,
Broadus,	Cowgill,	Goble,
Buskirk,	Crumpacker,	Gronendyke,
Butterworth,	Dial,	Hatch,
Butts,	Durham,	Hedrick,
Cauthorn,	Eaton,	Heller,

Henderson,	Offutt,	Strange,
Hollingsworth,	Ogden,	Teeter,
Hoyer,	Peed,	Thayer,
Isenhower,	Prentiss,	Tingley,
Johnson,	Reeves,	Thompson, of Elkhart.
Jones,	Reno,	Thompson, of Spencer,
Kimball,	Richardson,	Troutman,
King,	Riggs,	Tulley,
Kirkpatrick,	Rudder,	Walker,
Lenfesty,	Rumsey,	Wesner,
Lent,	Satterwhite,	Whitworth,
Martin,	Schmuck,	Wilson, of Blackford,
McConnell,	Scott,	Wood,
McKinney,	Shirley,	Woodard,
Melletts,	Shutt,	Woollen,
Miller,	Spellman,	Wynn,
North,	Stanley,	Mr. Speaker—85.
Odle,		

Mr. Goudie voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Senate Bill No. 38, was taken up and read a first time.

Mr. Cauthorn moved to suspend the constitutional rule, have the bill read a second time, considered as engrossed, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Brett,	Cauthorn,
Baker,	Broadus,	Clark,
Baxter,	Buskirk,	Claypool,
Bowser,	Butterworth,	Cline,
Branham,	Butts,	Cobb,

Coffman,	Jones,	Schmuck,
Cole,	Kimball,	Scott,
Cowgill,	King,	Shirley,
Crumpacker,	Kirkpatrick,	Shutt,
Dial,	Lenfesty,	Smith,
Durham,	Lent,	Spellman,
Eaton,	Martin,	Stanley,
Edwards, of Lawrence,	McConnell,	Strange,
Furnas,	McKinney,	Teeter,
Gifford,	Melletts,	Thayer,
Givan,	Miller,	Tingley,
Glassgow,	North,	Thompson, of Elkhart,
Glazebrook,	Odle,	Thompson, of Spencer,
Goble,	Offutt,	Troutman,
Gondie,	Ogden,	Tulley,
Gronendyke,	Peed,	Walker,
Hatch,	Prentiss,	Wesner,
Hedrick,	Reeves,	Whitworth,
Heller,	Reno,	Willard,
Henderson,	Richardson,	Wilson, of Blackford,
Hollingsworth,	Riggs,	Wood,
Hoyer,	Rudder,	Woodard,
Isenhower,	Rumsey,	Wynn,
Johnson,	Satterwhite,	Mr. Speaker—87.

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time, considered as engrossed, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Butterworth,	Cole,
Baker,	Cauthorn,	Cowgill,
Bowser,	Clark,	Crumpacker,
Branham,	Claypool,	Dial,
Brett,	Cline,	Durham,
Broadbuss,	Coffman,	Eaton,
Buskirk,	Cobb,	Edwards, of Lawrence,

Furnas,	McConnell,	Spellman,
Gifford,	McKinney,	Stanley,
Givan,	Mellett,	Strange,
Glasgow,	Miller,	Teeter,
Glazebrook,	North,	Thayer,
Goble,	Odle,	Tingley,
Goudie,	Offutt,	Thompson, of Spencer,
Gronendyke,	Ogden,	Thompson, of Elkhart,
Hatch,	Peed,	Troutman,
Hedrick,	Prentiss,	Tulley,
Heller,	Reeves,	Walker,
Henderson,	Reno,	Wessner,
Hollingsworth,	Richardson,	Whitworth,
Hoyer,	Riggs,	Willard,
Isenhower,	Rudder,	Wilson, of Blackford,
Johnson,	Rumsey,	Willson, of Ripley,
Jones,	Satterwhite,	Wood,
Kimball,	Schmuck,	Woodard,
King,	Scott,	Wolflin,
Kirkpatrick,	Shirley,	Woollen,
Lenfesty,	Shutt,	Wynn,
Lent,	Smith,	Mr. Speaker—89.
Martin,		

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Canthorn moved that House Bills Nos. 165 and 166 be laid upon the table.

Which motion prevailed.

A communication from the Secretary of State, in response to a resolution of the House, giving a price list of stationery, etc., furnished by him to the members of the House, was presented by the Speaker.

On motion of Mr. Cauthorn, it was ordered to be posted up in some conspicuous place in the hall of the House for the convenience of the members.

House bill No. 155 was taken up and read a third time.

Mr. Hollingsworth moved to recommit with the following instructions :

Recommit with the instruction to inquire if the cities of this State desire the proposed change ; whether the plan proposed is not too expensive, and whether the provisions are not in other respects inexpedient?

On motion of Mr. Baker, the motion to recommit, and the instructions, were laid upon the table.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Givan,	Ogden,
Baker,	Glasgow,	Peed,
Blocher,	Glazebrook,	Reeves,
Bowser,	Goble,	Reno,
Branham,	Goudie,	Richardson,
Brett,	Gronendyke,	Riggs,
Buskirk,	Hatch,	Rudder,
Butterworth,	Hedrick,	Rumsey,
Cauthorn,	Heller,	Satterwhite,
Clark,	Hollingsworth,	Schmuck,
Claypool,	Isenhower,	Scott,
Cline,	Johnson,	Shirley,
Cobb,	Kimball,	Shutt,
Coffman,	King,	Smith,
Crumpacker,	Kirkpatrick,	Spellman,
Dial,	Lenfesty,	Stanley,
Durham,	Martin,	Strange,
Eaton,	McConnell,	Teeter,
Edwards, of Lawrence,	McKinney,	Thayer,
Furnas,	North,	Thompson, of Elkhart,
Gifford,	Offutt,	Thompson, of Spencer,

Troutman,	Whitworth,	Wood,
Tulley,	Willard,	Woodard,
Walker,	Wilson, of Blackford,	Wynn—72.
Wesner,	Willson, of Ripley,	

Those who voted in the negative were, Messrs.

Broaddus,	Henderson,	Tingley,
		Mr. Speaker—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Strange presented a petition from sundry citizens of Clinton County, praying the repeal of all laws authorizing the assessment of taxes for the construction of railroads.

Which was referred to the committee on county and township business.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed the following enrolled act of the House of Representatives, to-wit:

Enrolled Act No. 22, House of Representatives, entitled "An act to amend the first section and the title of an act," approved March 4, A. D. 1865, and entitled "An act providing for the completion of the unfinished business of any session of the General Assembly by the next succeeding special session of the same General Assembly."

And the same is herewith returned to the House.

Mr. Baker moved to withdraw the claim of the Jeffersonville Railroad Company and recommit the same to the committee on claims.

Which motion prevailed.

Mr. Blocher was granted leave of absence until Friday next.

Mr. Cline was granted leave of absence until Monday next.

Mr. Wynn was granted leave of absence till Monday next.

Mr. Pfrimmer was granted leave of absence until Tuesday next.

Mr. Cauthorn presented the claims of sundry witnesses for services rendered and mileage, who were subpœnaed to attend before a committee of the House of Representatives in the matter of the investigation of the surplus revenue of the county of Carroll.

Which claim was referred to the committee on public expenditures.

On motion of Mr. Givan,

The House adjourned until to-morrow at 9 o'clock A. M.

SATURDAY MORNING.

DECEMBER 7, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

Prayer was offered by the Rev. Samuel Cornelius, of Indianapolis.

The Journal of yesterday was read in part, when,

On motion,

The further reading was dispensed with.

Mr. Glazebrook, from the committee on engrossed bills, submitted the following report :

MR. SPEAKER :

The committee on engrossed House Bills Nos. 128, 166, 181 and 88, and find them in all respects properly engrossed.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 148, entitled " An act, defining certain felonies and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect, thereto void, repealing all laws in conflict therewith," have had the same under consideration, and directed me to report the same back to the House, and recommend the passage of the same.

Which was concurred, the bill read a second time and ordered engrossed.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 171, entitled "An act prescribing the manner of selecting petit jurors for the Circuit and Common Pleas Courts, and declaring an emergency," have had the same under consideration, and direct me to report the same back to the House, with the recommendation that it pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 152, entitled "A bill to amend an act to provide for the incorporation of Railroad Companies," have had the same under consideration, and directed me to report the same back to the House with the recommendation that it pass.

Which report was concurred in.

Mr. Branham offered the following amendment :

WHEREAS, An emergency exists for the immediate taking effect of this act, therefore, the same shall take effect and be in force, from after its passage.

Which amendment was adopted, the bill as amended read a second time and ordered to be engrossed.

Mr. Buskirk, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee of the judiciary to whom was referred House Bill 151, entitled " An act, to amend an act to declare abandoned certain unfinished railroads, and to provide for their completion, to declare forfeited the franchises of certain railroad companies," etc., now respectfully report said bill back to the House with the recommendation that it pass.

Which report was concurred in.

Mr. Kimball offered the following amendment :

WHEREAS, An emergency exists for the immediate taking effect of this act, Therefore the same shall take effect and be in force from and after its passage.

Which amendment was adopted, the bill read a second time, and ordered to be engrossed.

Mr. Willson, of Ripley, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 170, entitled an act to amend sections 157 and 664 of an act entitled " An act to revise, simplify and abridge the rules, practice pleading and forms in civil cases in the courts of this State; to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, have had the same under consideration, and request me to report the same back to the House with the following amendments :

Strike out from the first section the following words, viz : " unless the attachment is sustained," and insert the following : " except on the attachment." And provided further, that if the demand is not due, the court, in rendering judgment, shall rebate interest on such demand at the rate of six per cent.

Amend from the date of such judgment until such demand becomes due, such judgment shall not be a bar to an action after such

demand becomes due on the same, after deducting the amount made thereon on the judgment, on such attachment. *And provided further*, that if such demand shall be due at the date of judgment, the plaintiff shall have a personal judgment for the full amount due on such demand."

Also the following amendment, viz: Add the following:

Section 2. An emergency exists for the immediate taking effect of this act. Therefore, the same shall take effect and be in force from and after its passage.

And when so amended, your committee recommend its passage.

Which report was concurred in, amendments adopted, the bill amended, read a second time and ordered to be engrossed.

Mr. Willson, of Ripley, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 142, entitled "An act for giving a lien to lessors in certain cases; prescribing some of the lessors, and exempting growing crops from sale on execution until after maturity," have had the same under consideration, and request me to report the same back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Cauthorn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 149, entitled an act to amend sections 39 and 131 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852, have had the same under consideration, and recommend that the same do lie on the table; as in the opinion

of your committee, the said sections as they now exist are all the legislation needed on the subject.

Which report was concurred in, and the bill laid upon the table.

Mr. Cauthorn, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House Bill No. 159, entitled an act to regulate the practice of dentistry in the State of Indiana, have duly considered the same, and have instructed me to report the same back to the House with the recommendation that the following words at the end of the first section thereof, viz: "before the first day of January, 1816," be stricken from the bill, and when said words are stricken out, do recommend that the bill do pass.

Which report was not concurred in, and the amendment not adopted.

On motion of Mr. Kimball,

The bill was indefinitely postponed.

Mr. Ogden, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House Bill No. 135, entitled an act to amend section 2 of an act entitled "An act providing for the redemption of real property or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances and repealing all laws in conflict therewith," approved June 1, 1861, have had the same under consideration, and beg leave to report the same back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in and the bill indefinitely postponed.

Mr. Ogden, from the committee on the judiciary, submitted the following report :

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 179, entitled an act to amend section 1 of an act entitled an act to amend "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852, approved February 2, 1855, have carefully considered the same and report it back to the House recommending its passage.

Which report was concurred in, the bill read a second time and ordered engrossed.

Mr. Ogden, from the committee on the judiciary, submitted the following report :

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House Bill No. 125, entitled an act to amend section 1 of an act entitled "An act to provide for calling special sessions of the Board of County Commissioners," approved March 7th, 1863, and declaring an emergency, have had the same under consideration and have directed me to report the same back to the House with the recommendation that the same be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Miller, from the committee on the judiciary, submitted the following report :

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 167, an act entitled "An act to preserve the original manuscript Journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the destruction or mutila-

tion thereof," have had the same under consideration, and have instructed me to report the following additional section to said bill, viz.:

SEC. 3. If any Secretary of the Senate or Clerk of the House of Representatives, who shall have taken from the office of the Secretary of State, any original manuscript Journal of the Senate or the House of Representatives, or any part thereof for the purpose of having the same printed, shall fail to return the same to the office of the Secretary of State in good order and condition as soon as they are printed, shall be guilty of a misdemeanor, and upon conviction thereof by any court or competent jurisdiction, shall be fined in any sum not less than fifty nor more than five hundred dollars; and to number the remaining sections, as 4 and 5, and when so amended, recommend that the bill do pass.

Which report was concurred in, the amendment adopted, the bill as amended read a second time and ordered to be engrossed.

Mr. Miller, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred, House Bill No. 136, entitled " An act to amend section six hundred and forty-seven (647) of an act, entitled ' An act to revise, simplify and abridge the rules, practice, pleading and forms in certain cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading and practice without distinction between law and equity,' " approved June 18, 1852, have had the same under consideration, and direct me to report the same back with the following amendment.

Section 11. WHEREAS, An emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage, and when so amended, that it pass.

Which report was concurred in, the amendment adopted, the bill read a second time and ordered engrossed.

Mr. Shirley, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, have had under consideration, House Bill No. 145, "An act to amend sections 17 and 120, of an act, approved June 17, 1852, entitled 'An act to provide for the opening, vacating and change of highways,'" and report the same back to the House, with the recommendation that it lie on the table.

Which report was concurred in, and the bill laid on the table.

By unanimous consent of the House,

On motion of Mr. Gregory,

The vote on the report of the judiciary committee on House Bill No. 145, submitted by Mr. Shirley and concurred therein, was reconsidered, and the bill referred to the committee on roads.

Mr. Shirley, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, have had under consideration, House Bill No. 175, "An act relating to mortgages of real estate, and the recording thereof, and to repeal all laws in conflict with the same." Report the same back to the House with the recommendation that it lie on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Johnson, from the committee on the judiciary, submitted the following report:

MR. SPEAKER :

Your committee to whom was referred, House Bill No. 3, entitled "A bill to repeal an act, for the construction of levees, dykes and drains, by incorporated companies, and associations," which took effect May 22, 1869, and also to repeal an act supplemental thereto,

approved February 23, 1871, have considered said bill and recommend that all of section 3 of said bill, after the words "section 3" be stricken out, and the following words substituted in their place :

"All companies now properly organized under the acts hereby repealed, the main line of whose work is ten miles or less in length shall be allowed to collect all their assessments and complete the work for which they were organized."

And the following section :

"Section 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage."

And when so amended your committee recommend that the bill pass.

Which report was concurred in, and the bill read a second time.

Mr. Edwards, of Lawrence, from the committee on the organization of courts, submitted the following report :

MR. SPEAKER :

Your committee on organization of courts, have had under consideration House Bill No. 180, entitled "An act to abolish the Grand Jury system," and report the same back to the House with the recommendation that it lie on the table.

Which report was concurred in and the bill laid on the table.

Mr. Claypool, from the committee on the organization of courts, submitted the following report :

MR. SPEAKER :

The committee on organization of courts, to whom was referred House Bill No. 177, an act entitled "An act fixing the time of holding the courts in the several counties comprising the First Judicial Circuit of this State and repealing all laws conflicting therewith and declaring an emergency," have had the same under consideration and

have directed me to report the same back with the recommendation that it pass.

Which report was concurred in and the bill read a second time.

Mr. Satterwhite, chairman of the committee on banks, submitted the following report:

MR. SPEAKER:

Your committee on banks, to whom was referred House Bill No. 198, a bill to amend sections fifteenth, nineteenth, thirty-first and forty-ninth of an act approved May 12, 1869, entitled "An act providing for the organization of savings banks and the safe and proper management of their affairs," have had the same under consideration and recommend its passage.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Satterwhite, chairman of the committee on banks, submitted the following report:

MR. SPEAKER:

Your committee on banks, to whom was referred House Bill No. 64, an act making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving, and the days of the general elections, State and Presidential, holidays, and to regulate the maturity of commercial paper falling due on said days, have had the same under consideration and recommend that the bill pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Woodard, chairman of the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 73, fixing the per diem and mileage of members of the General Assembly, report it back with the recommendation that it pass.

Which report was concurred in, the bill read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Henders n,	Rumsey,
Baker,	Isenhower,	Shirley,
Bowser,	Johnson,	Spellman,
Cauthorn,	Jones,	Strange,
Cobb,	Kimball,	Thompson, of Spencer,
Coffman,	Lent,	Walker,
Cole,	Martin,	Wesner,
Cowgill,	Miller,	Willard,
Durham,	Odle,	Willson, of Ripley,
Edwards, of Lawrence,	Offutt,	Wood,
Gifford,	Ogden,	Woodard,
Gregory,	Peed,	Woollen,
Gronendyke,	Richardson,	Mr. Speaker—41.
Hedrick,	Riggs,	

Those who voted in the negative were, Messrs.

Baxter,	Givan,	Prentiss,
Billingsley,	Glasgow,	Reeves,
Branham,	Glazebrook,	Reno,
Brett,	Goble,	Rudder,
Broadbus,	Goudie,	Satterwhite,
Butterworth,	Hatch,	Schmuck,
Butts,	Heller,	Scott,
Clark,	Hollingsworth,	Shutt,
Claypool,	King,	Stanley,
Crumpacker,	Kirkpatrick,	Teeter,
Dial,	Lenfesty,	Tingley,
Eaton,	McConnell,	Thompson, of Elkhart,
Ellsworth,	McKinney	Troutman,
Eward,	Melletts,	Whitworth,
Furnas,	North,	Wilson, of Bl'kd—45.

So the bill did not pass.

Mr. Hedrick, chairman of the committee on rights and privileges, submitted the following report:

MR, SPEAKER:

The committee on rights and privileges, to whom was referred House Bill No. 132, entitled "An act defining wife-whipping and prescribing punishment therefor," have had the same under consideration and recommend that it be referred to the committee on the judiciary.

Which was concurred in.

Mr. Rumsey, from the committee on rights and privileges, submitted the following report:

MR. SPEAKER:

The committee on rights and privileges, to whom was referred House Bill No. 156, have had the same under consideration, and report it back, with the recommendation that it be referred to the committee on temperance.

Which report was concurred in.

Mr. Furnas presented petitions from sundry citizens of Hendricks and Marion counties, on the subject of temperance.

Which were referred to the committee on temperance.

Mr. Clark presented petitions from sundry citizens of Hamilton county, on the subject of temperance.

Which were referred to the committee on temperance.

Mr. Ogden, chairman of the committee on corporations, submitted the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House Bill No. 105, entitled "An act to amend section eleven of an act for the incorporation of manufacturing or mining companies, and companies

for mechanical, chemical, and building purposes, approved May 20, 1852; providing against the fraudulent sale, assignment, gift, or transfer of stock for the payment and liquidation of the debts of said companies," have had the same under consideration, and recommend that it lie on the table, and in lieu thereof the following bill, marked "A," be substituted therefor, for the reasons that the section which said bill seeks to amend has been repealed:

An act supplemental to an act entitled: "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes," approved May 20, 1852.

Which report was concurred in, and the substituted bill read a first time, and passed to a second reading without reference.

Mr. Richardson, from the committee on corporations, submitted the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House Bill No. 143, entitled: "An act to amend section one of an act entitled: 'an act to incorporate the University of Notre Dame Du Lac, at South Bend, St. Joseph county, Indiana,'" approved January 15, 1844; have had the same under consideration, and have directed me to report the same back, with the recommendation that it lie on the table.

Which report and bill,

On motion of Mr. Butterworth,

Was referred to the committee on the judiciary.

Mr. Gifford, chairman of the committee on cities and towns, submitted the following report;

MR. SPEAKER:

The committee on cities and towns, to whom was referred House Bill No. 174, have had the same under consideration and have

directed me to report the same back, with a recommendation that it pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Johnson, chairman of the committee on public expenditures, submitted the following report:

MR. SPEAKER:

Your committee on public expenditures, to whom was referred the claims of Judson Applegate, Bernard B. Daily, C. B. Garrett, William Dunkle, and Joseph A. Sims, for compensation for services and expenses as a witness before a committee of this House, have considered said claims and recommend the following allowances to the following persons:

To Judson Applegate the sum of.....	\$50.00
To Bernard B. Daily the sum of.....	50.00
To C. B. Garrett the sum of.....	50.00
To William Dunkle the sum of.....	27.60
To Joseph A. Sims the sum of.....	50.00

And your committee recommend that said claims be referred to the committee on ways and means, with instructions to insert the same in their specific appropriation bill.

Which report was concurred in, and the report and claims referred to the committee on ways and means, with instructions that the claims be inserted in the specific appropriation bill.

Mr. Broadus, from the select committee, submitted the following report:

MR. SPEAKER:

The select committee to whom was referred House Bill No. 172, an act to provide for holding Common Pleas Court in the Sixth Judicial District, have had the same under consideration, and recommend its passage.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Baker offered the following resolution.

WHEREAS, The necessity exists for the building of a State Capital for the State of Indiana,

AND WHEREAS, It is the duty of the General Assembly of this State, to use all due diligence and economy in the construction of all the public buildings owned by the State; therefore,

Be it resolved, That this General Assembly of the State of Indiana, do hereby offer and award the sum of one thousand dollars as a premium to any successful architect or architects who will or may offer and present to this General Assembly, any plans and specifications that will be suitable and necessary for the construction of a new State Capital, and that such premium shall only be paid to such architect or architects, whose plans and specifications may be finally adopted by this or any future General Assembly of this State; and,

Be it further resolved, That a committee of five members of this General Assembly be appointed, whereof three such members shall be from the House, and two from the Senate, whose duty it shall be to correspond with the leading architects of this country, and this committee is hereby empowered to receive any and all such plans and specifications as may be presented to them, and that this committee thereafter present all such plans and specifications to this General Assembly, at or about the close of the next General Assembly, for their inspection: *Provided, however*, That the State shall not be liable to any person or persons for the payment of any plans and specifications so furnished, except for such plans and specifications, however, as may be finally adopted.

Which was adopted.

Mr. Gifford introduced

House Bill No 204. An act to regulate sales by guardians under orders defective in not prescribing notice, and without finding it would promote the interest of the ward's estate by dispensing with such notice made by the Common Pleas Courts of this State.

Which was referred to the committee on the judiciary.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER :

I am directed by the President of the Senate to inform the House that he has signed the following enrolled act of the Senate, to wit: Senate Bill No. 65, an act granting the consent of the State of Indiana, to the purchase by the United States, of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following joint resolution thereof, to wit :

Senate Joint Resolution No. 2, a joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress, and the same is herewith transmitted to the House for the signature of the Speaker thereof.

Mr. Ellsworth introduced

House Bill No. 205. An act to divide the State into congressional districts.

Which was read a first time and referred to the committee on elections.

Mr. Cauthorn offered the following resolution :

Resolved, That the Principal Secretary of the Senate and the Principal Clerk of the House of Representatives be allowed one hundred and fifty dollars (\$150) each for indexing and superintending the printing of the Journals of their respective Houses, and the committee on ways and means insert such allowance in their, the specific appropriation bill.

Which was adopted.

Mr. Edwards, of Lawrence introduced

House Bill No. 206. An act to amend section one of an act, entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13, 1852, and providing an emergency.

Which was read a first time, and referred to the committee on the organization of courts.

Mr. King presented the claim of Eliza Blake for allowance to re-emburse the expenses incurred by her husband James Blake, (deceased,) as State Commissioner of the Gettesburg Cemetry and Monumental Association.

Which was referred to the committee on claims.

Mr. King presented a communication from the President, John R. McKeen, of the Terre Haute Railroad Company.

Which was referred to the committee on the judiciary.

Mr. Satterwhite introduced

House Bill No. 207. An act to provide for the semi-annual collection of taxes.

Which was read a first time, and referred to the committee on ways and means.

Mr. Shirley introduced

House Bill No. 208. An act to legalize the official acts of the several Boards of Trustees of the town of Mooresville, Morgan county, Indiana, and to legalize the acts of the incorporation thereof, and all other officers of the corporation under an act for the incorporation of towns, and defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, And all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Which was read a first time, and referred to the committee on corporations.

Mr. Shirley introduced

House Bill No. 209. An act relating to fencing railroads and cattle guards thereof.

Which was read a first time, and referred to the committee on railroads.

Mr. Woodard offered the following resolution :

Resolved, That when this House adjourn, it adjourns to meet on Monday at 2 o'clock P. M.

Which was adopted.

Mr. Glasgow presented a memorial from the Teachers' Institute of Steuben county.

Which was referred to the committee on education.

Mr. Hollingsworth presented protests from sundry citizens, against adopting the Indiana Medical College as a part of the State University.

Mr. Baxter introduced

House Bill No. 210. A bill to amend the twentieth section of an act, approved May 13, 1869, and entitled "An act to establish a Female Prison and Reformatory Institution, for girls and women, and to provide for the organization and government thereof, and making appropriations."

Which was read a first time, and referred to the committee on reformatory institution.

Mr. Baxter introduced

House Bill No 211. An act supplemental to an act, entitled, "An act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for the organization and government thereof, and making appropriations," approved May 13, 1869.

Which was read a first time, and referred to the committee on reformatory institutions.

Mr. Glasgow, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 69, entitled "An act to repeal an act, entitled, 'an act to create the Twenty-seventh Judicial Circuit, providing for the appointment of a judge and prosecuting attorney therein, and for their compensation, declaring jurisdiction of the court in said circuit, and providing for a transfer of actions thereto,'" approved April 23, 1869, have had the same under consideration, and instruct me to report the same back to the House, with the following amendments, viz:

Add to the title the following words, viz:

And providing for a transfer of actions and return of process to the Circuit Courts, and declaring the jurisdiction of the Circuit and Common Pleas Courts of the counties of Clark and Floyd, in criminal cases.

Also, the following amendment, viz:

After section one insert, viz: Section 2. That all writs, subpoenas, venues, rules, orders of court, recognances, publications and process whatever, which may be issued from, or have been taken in, said Twenty-second Judicial Circuit Court, shall be deemed and taken to be and are hereby made returnable, and all transferred to the first day of the first term of the Circuit Courts, viz: the Civil Circuit Court, to be holden in the counties of Clark and Floyd, according to law, next after the time of the taking effect of this act, and all indictments now pending in the said Twenty-seventh Judicial Circuit Court, shall be transferred to the Civil Circuit counties of Clark and Floyd, for trial and final disposition, and such Circuit Courts shall have complete jurisdiction of such indictments, recognances and actions transferred.

SEC. 3. That the Circuit Courts of the counties of Clark and Floyd, shall have jurisdiction of all felonies, and concurrent jurisdiction with the Common Pleas Court of said counties of Clark and Floyd, of all misdemeanors, in the same manner as fully as is now provided by law for Circuit and Common Pleas Courts throughout the State of Indiana.

SEC. 4. That the Grand Juries of the counties of Clark and Floyd, shall, from and after the taking effect of this act be summoned for the Circuit Courts of the counties of Clark and Floyd, in the manner now provided by law to take cognizance of felonies and misdemeanors, as is now provided by law.

SEC. 5. That the Common Pleas Courts of the counties of Clark and Floyd aforesaid, shall have concurrent jurisdiction in said counties with the Circuit Court thereof, of all misdemeanors and felonies as provided by the seventeenth section of an act to establish the Courts of Common Pleas and defining the jurisdiction and duties of and providing compensation for judges thereof, approved May 14, 1852, and when so amended your committee recommend its passage.

Which report was concurred in and the amendment adopted.

Mr. Willard moved to suspend the Constitutional rule, have the bill read the second time, considered as engrossed, and put upon its passage.

The question being, shall Constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Odle,
Baxter,	Glazebrook,	Ogden,
Billingsley,	Goble,	Prentiss,
Brett,	Gronendyke,	Reeves,
Broaddus,	Hatch,	Reno,
Cauthorn,	Heller,	Richardson,
Clark,	Henderson,	Riggs,
Claypool,	Hollingsworth,	Rudder,
Coffman,	Isenhower,	Rumsey,
Cowgill,	Kimball,	Satterwhite,
Durham,	King,	Schmuck,
Eaton,	Kirkpatrick,	Scott,
Edwards, of Lawrence,	Lenfesty,	Shirley,
Ellsworth,	Lent,	Shutt,
Eward,	Martin,	Spelman,
Furnas,	McConnell,	Stanley,
Gifford,	McKinney,	Strange,
Givan,	Miller,	Teeter,

Thayer,	Walker,	Wood,
Tingley,	Whitworth,	Woodard,
Thompson, of Elkhart,	Willard,	Woollen,
Thompson, of Spencer,	Wilson, of Blackford,	Mr. Speaker—68.
Troutman,		

Those who voted in the negative were, Messrs.

Branham,	Dial,	Jones,
Baker,	Goudie,	North,
Butts,	Hedrick,	Wesner—10.
Crumpacker,		

So the constitutional rule was suspended, the bill read a second time and considered as engrossed, when

On motion, by Mr. Baker,

The bill was laid on the table.

Mr. Butts introduced

House Bill No. 212. An act defining the misdemeanor of keeping houses of ill-fame, the renting or leasing of property to be used as a house of ill-fame and prescribing punishment therefor, and prescribing certain rules of evidence in prosecution for such offenses.

Which was read a first time and

Referred to committee on reformatory institutions.

Mr. Anderson was granted leave of absence until Tuesday morning next.

Mr. Woollen was granted leave of absence until Wednesday next.

Mr. Schmuck was granted leave of absence until Tuesday next.

The joint committee on enrolled bills, submitted the following report.

MR. SPEAKER:

Your committee on enrolled bills, would report that they have presented House Bill No. 22, to the Governor for his signature, this the 7th day of December, 1872.

On motion of Mr. Cauthorn,

The House adjourned until 2 o'clock, Monday next.

MONDAY AFTERNOON,

DECEMBER 9, 1872, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the Chair.

The journal of yesterday was read in part, when, on motion, further reading of the same was dispensed with.

The Speaker announced the following special committee on Mr. Baker's resolution offering an award of \$1,000 for plans and specifications for a new State House :

Messrs. Cobb, Baker, Branham, Brett and Kimball.,

Mr. Edwards, of Lawrence, chairman of the committee on elections, submitted the following report :

MR. SPEAKER:

Your committee on elections, to whom was referred the credentials of members elect of this House, beg leave to report that they have examined the same, and find that each member is duly elected.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House Bill No. 131, being a bill for the prevention of cruelty to animals, have had the same under advisement, and instruct me to report the same back to the House, recommending that the same be indefinitely postponed, and the accompanying bill be substituted therefor and passed by the House.

Which report was concurred in and the bill indefinitely postponed and the following bill substituted in lieu thereof:

An act defining cruelty to animals, declaring it a misdemeanor, and providing a penalty therefor.

Which was read a first time and passed to a second reading.

Mr. Willson, of Ripley, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House Bill No. 190, entitled an act to amend sections twenty-five and twenty-six of an act regulating descents and the apportionment of estates, approved May 14th, 1852, have carefully considered the same, and request me to report the same back to the House with the recommendation that the accompanying bill be substituted therefor, and that such substituted bill do pass.

Which report was concurred in and the bill indefinitely postponed, and the following bill substituted in lieu thereof:

An act to amend sections twenty-five and twenty-six of an act entitled "An act regulating descents and the apportionment of estates," approved May 14th, 1852.

Which was read a first time, the bill laid on the table and two hundred copies ordered to be printed.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit:

Engrossed Senate Bill No. 85, entitled "An act to provide for the payment of sundry bonds or stock of the State of Indiana, issued prior to the year 1841," and declaring an emergency, and the same is hereby transmitted to the House.

Mr. Buskirk, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary, to whom was referred House Bill No. 202, entitled "An act to amend an act entitled 'an act prescribing the powers and duties of coroners,'" approved May 27, 1852, do now report that said committee has carefully considered said bill and recommend that it be indefinitely postponed.

Which report was concurred in and the bill indefinitely postponed.

Mr. Wilson, of Ripley, from the committee on the judiciary submitted the following report :

MR. SPEAKER :

Your committee on the judiciary, to whom was referred House Bill No. 132, entitled "An act defining wife whipping and prescribing punishment therefor," have had the same under consideration, and request me to report the same back to the House with a recommendation that it be indefinitely postponed, there being ample punishment already provided by law for such offense.

The question being, shall the report be concurred in and the bill indefinitely postponed?

The ayes and noes being demanded by Messrs. Kimball and Willard,

Those who voted in the affirmative were, Messrs.

Brett,	Gifford,	McConnell,
Broadbuss,	Givan,	McKinney,
Buskirk,	Goble,	Melletts,
Butterworth,	Goudie,	Miller,
Claypool,	Gronendyke,	North,
Cline,	Hedrick,	Ogden,
Dial,	Heller,	Prentiss,
Edwards, of Lawrence,	Hollingsworth,	Reno,
Ellsworth,	Jones,	Riggs,
Furnas,	Lent,	Rudder,

Rumsey,	Thompson, of Spencer,	Wilson, of Blackford
Shutt,	Troutman,	Wilson, of Ripley.
Smith,	Tulley,	Wood,
Stanley,	Walker,	Woollen,
Strange,	Wesner,	Wynn—47.
Teeter,	Whitworth,	

Those who voted in the negative were, Messrs.

Barrett,	Glazebrook,	Offutt,
Bowser,	Hardesty,	Peed,
Butts,	Hatch,	Reeves,
Clark,	Henderson,	Scott,
Cobb,	Johnson,	Spellman,
Cowgill,	Kimball,	Tingley,
Crumpacker,	King,	Thompson, of Elkhart,
Eaton,	Lenfesty,	Willard,
Eward,	Martin,	Mr. Speaker—29.
Glasgow,	Odle,	

So the report of the committee was concurred in, and the bill indefinitely postponed.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 92, entitled "An act to amend an act to establish a House of Refuge," have compared said enrolled bill and find that the same is correct.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee to whom was referred House Bill No. 98, entitled "An act to make certain specific appropriations," have carefully compared said enrolled act with the engrossed copy and find the same correct.

Mr. Miller, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary to whom was referred House Bill No. 157, entitled "An act authorizing the refunding of taxes collected in certain counties in the State of Indiana for the years 1869 and 1870, upon erroneous and void assessments upon real estate made by the District Board of Equalization in the year 1869," have had the same under consideration and direct me to report the same back with the recommendation that it be indefinitely postponed.

On motion,

The report and bill were laid on the table.

Mr. Johnson, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary to whom was referred House Bill No. 112, entitled "A bill to render wives competent to testify in actions brought for injuries done to them," have considered said bill and recommend that after the words, "for injuries done to" in line four of section one of said bill, the words, "the person or character of," be inserted so that said line four shall read as follows: "For injuries done to the person or character of the wife;" and when said bill is so amended, your committee recommend that the same pass.

Which report was concurred in and the amendment adopted, the bill read a second time and ordered to be engrossed.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER :

The committee on claims, to whom was referred the claim of William Williams on account of rent of room for committee, amounting

to \$89.60, have had the same under consideration and recommend that he be allowed \$80.00, that being the amount less interest, and that the same be referred to the committee on ways and means and incorporated in specific allowances.

Which report was concurred in and the claim so referred.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

Your committee on claims to whom was referred the papers in reference to the appointment of W. H. Slocum, as Doorkeeper of the committee rooms, have had the same under consideration and recommend that he be paid the usual allowance from the beginning of the session. and that the Speaker draw his warrant for the same.

Which report was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims having appointed Samuel T. Platt clerk of the same, and said Platt having performed the duties from its organization, recommend that the usual allowance be paid him for the same.

Which report was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims to whom was referred the papers in reference to the appointment of John J. Vance, janitor to House committee rooms, have had the same under consideration and recommend that he be paid the usual allowance.

Which report was concurred in.

Mr. Shutt, from the committee on claims submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Isaac Ruby for \$24.00, on account of digging well, as per order of Colonel Benj. Spooner, have had the same under consideration, and recommend that it be not allowed.

Which report was concurred in.

Mr. Shutt, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of Eliza Blake for expenses incurred by her husband as Commissioner for the State of Indiana in the matter of the Gettysburg Monumental and Cemetery Association, amounting to the sum of \$250, have had the same under consideration, and recommend that that amount be allowed and referred to the committee of ways and means and incorporated in specific allowance.

Which report was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the petition of Jonathan Gordon for payment of \$750 for services as counsel in the case of the Auditor of State against the State of Indiana, have had the same under careful consideration, and the committee find that he has received, in part payment for said services, the sum of \$250 ; and that, in their judgment, an additional allowance of \$250 would be a just compensation for said services, and I am therefore instructed by the committee to recommend that \$250 additional be allowed and the same be referred to the committee of ways and means and incorporated in specific allowances.

Which report was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the resolution in reference to the claim of Robert S. Taylor for expenses incurred in defending his seat against the contest of William B. Walters, have had the same under consideration, and recommend that no allowance be made.

Which report was concurred in.

Mr. Thompson, of Elkhart, chairman of the committee on county and township business, submitted the following report.

MR. SPEAKER :

Your committee on county and township business, to whom was referred House Bill No. 187, entitled an act to prohibit township trustees from levying taxes upon the inhabitants of incorporated towns, on the real or personal property of the said inhabitants situated therein, repealing all laws or parts of laws in conflict therewith and declaring an emergency, have had the same under consideration and report the same back to the House with the recommendation that it pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Thompson, of Elkhart, chairman of the committee on county and township business, submitted the following report.

MR. SPEAKER :

Your committee on county and township business, to whom was referred House Bill No. 123, "An act prescribing time for the transaction of road business, and for appointment of superintendent and physician for poor," have had the same under consideration, and direct me to report the same back with the recommendation that it pass.

Which report was concurred in, the bill read a second time, and ordered to be engrossed.

Mr. Kimball, chairman of the committee on soldiers' monument, submitted the following report.

MR. SPEAKER :

The select committee to whom was referred House Bill No. 124, to provide for the construction of a State monument to the memory of Indiana soldiers, have had the same under consideration. I am directed to report the following amendments, and ask the concurrence of the House thereto.

With these amendments the committee recommend the passage of the bill :

Add the following provision to the end of section 7: *Provided*, That not more than one-third of the sum appropriated in this section shall be expended in any one year, and no portion of the same shall be drawn from the treasury except on the order of the Board of Managers, approved by the Governor of State; *And, Provided Further*, that before any portion of said money shall be drawn from the treasury, there shall be subscribed and collected toward the construction of said monument by private subscription or otherwise, to the satisfaction of the Board of Managers, the additional sum of fifty thousand dollars, as contemplated in section 8.

Which report was concurred in, the amendments adopted, the bill read a second time, and ordered to be engrossed.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER :

I am directed by the President of the Senate to inform the House of Representatives that he has signed Enrolled Act of the House No. 98, entitled "An act to make certain specific appropriations therein mentioned."

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed enrolled act of the House, to-wit:

Enrolled Act No. 92. An act to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1867, and repealing section 11 of said act, and the same is herewith returned to the House.

Mr. Heller moved to reconsider the vote had on House Bill No. 73.

On motion of Mr. Offutt,

The reconsideration of the same made a special order for Wednesday next at 2 o'clock, P. M.

Mr. Smith being absent when the vote was taken on House Bill No. 73, requested that the Journal show that if he had been present he would have voted in the negative.

Mr. Cline introduced

House Bill No. 215. An act to create the — Judicial Circuit to authorize the appointment of a Judge and Prosecuting Attorney therefor, to fix the time of holding courts therein, and to transfer the county of Union from the Twenty-sixth Circuit to the Twenty-fourth Circuit.

Which was read a first time and referred to the committee on the judiciary.

Mr. Wesner introduced

House Bill No. 216. An act defining and making it a misdemeanor for Prosecuting and District Attorneys and Deputy Prosecuting and Deputy District Attorneys to receive any gift, bribe, reward or fee from any person or persons charged with having committed a felony or misdemeanor, prescribing punishment therefor, and declaring an emergency for the same.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Willard, presented a petition from the commissioners of Floyd county, praying for the repeal of the fee and salary law.

Which was referred to the committee on fees and salaries.

Mr. Martin offered the following joint resolution, No. 10:

Resolved, (by the General Assembly of the State of Indiana), That our Senators in Congress be instructed and our Representatives, requested to use their influence in the passage of a law to allow every soldier and officer of the army, and every seaman, marine and officer of the navy, who served for not less than ninety days in the army or navy of the United States, during the recent rebellion, and who was honorably discharged, an assignable land warrant for 160 acres of the public land: *Provided*, The same may be located by the soldier, his heirs, or assignee, upon any of the unentered public lands of the United States, including the double minimum lands, being the alternate reserve sections of any public lands along the line of any railroad or other public works.

Which joint resolution was read a first time and referred to the committee on federal relations.

Mr. Buskirk offered the following resolution:

WHEREAS, The Governor has recommended, in his message delivered before this General Assembly, that inasmuch as it has been the custom heretofore to place the original manuscript of the proceedings of the General Assembly in the printer's hands, being under the supervision of the Secretary and Clerks of such Houses respectively, that the original manuscript copy of the Journal be bound in permanent form and preserved in the office of Secretary of State, and copies thereof be furnished the printer; therefore,

Resolved, That the Clerk and Assistant Clerk of this House be instructed to have the original manuscript of the Journal of this House bound in permanent form and filed by them in the office of the Secretary of State, and that a copy of said original manuscript Journal be furnished to the printer, and be printed under the direction of the Clerk and Assistant Clerk of the House.

Which was adopted.

Mr. Lenfesty moved to reconsider the vote on House Bill No. 90.

Which motion, by unanimous consent, was agreed to.

Mr. Clark offered the following resolution :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the death penalty in this State and substituting therefor imprisonment at hard labor for life, and that the committee report by bill or otherwise.

Which was not adopted.

Mr. Hedrick presented a petition of sundry citizens on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Cobb introduced

House Bill No. 217. An act, entitled "An act concerning promisory notes," approved May 12, 1852, and declaring an emergency.

Which bill was read a first time and passed to a second reading without reference.

Mr. Kimball moved to reconsider the vote on the resolution offered by Mr. Clark, in relation to abolishing the death penalty.

Which motion by unanimous consent was agreed to, and,

On motion,

The resolution was referred to the committee on the judiciary.

Mr. Wilson, of Ripley, introduced

House Bill No. 218. An act to amend section two hundred and eight of an act, entitled "An act to revise, simplify and abridge the rules of practice pleadings and forms in civil cases in the Courts of this State to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which bill was read a first time and referred to the committee on the organization of courts.

Mr. Glazebrook introduced

House Bill No. 219. An act to regulate the sale of drugs and medicines and fixing penalties for the violation of the same.

Which bill was read a first time and referred to the committee on the affairs of the city of Indianapolis.

Mr. Johnson presented the claim of James N. Kimball for \$250, for legal services in Huff vs. Kimball, Treasurer of State.

Which was referred to the committee on claims.

Mr. Johnson introduced

House Bill No. 220. An act to amend the first section of an act to organize a Supreme Court and prescribing certain duties of the Judges thereof, approved May 13, 1852.

Which bill was read a first time and referred to the committee on elections.

Mr. Johnson was called to the chair by the Speaker.

Mr. Peed introduced

House Bill No. 221. An act to provide for recording certain leases of real estate therein mentioned, and prescribing penalties for violating this act.

WHEREAS, It has been represented to this General Assembly that in many counties in this State large tracts of land have been leased for the purpose of developing the mineral resources of such sections, and that the same have not been recorded, and

WHEREAS, The failure to report such leases is calculated to work a great injury to many citizens thereof.

Which was read a first time and referred to the committee on the judiciary.

Mr. Butts introduced

House Bill No. 222. An act to suppress tippling houses ; to regulate the sale, bartering and giving away of spirituous and malt liquors, wine and other intoxicating liquors ; to punish public exhibitions of drunkenness, and to provide penalties for the violation of this act ; to repeal all laws inconsistent therewith, and declaring an emergency.

Which was read a first time and referred to the committee on temperance.

Mr. Riggs introduced

House Bill No. 223. An act defining what counties shall constitute the Thirtieth Judicial Circuit, and fixing the time for holding court therein ; providing for the return of process, declaring a vacancy in the office of judge, and declaring an emergency.

Which was read a first time and referred to the committee on the organization of courts.

Mr. Edwards of Vigo, introduced

House Bill No. 224. An act to amend the first section of an act approved January 14, 1846, entitled "An act to incorporate the Female Seminary of St. Mary's of the Woods, in Vigo county, Indiana, by authorizing schools for youth, an orphan asylum, a hospital and other works of charity by said corporation.

Which was read a first time, and referred to the committee on the judiciary.

The Speaker took the chair.

Joint resolution No. 2, was taken from the Speaker's table, read, and put upon its passage.

A joint resolution in relation to the two per cent. claim of Ohio, Indiana and Illinois, now pending before Congress.

WHEREAS, there is a bill now pending before the Congress of the United States in relation to the two per cent. claims of the States aforesaid ; the substantial part of which reads as follows: That the

true intent and meaning of the second section of the act approved March 3, 1857, entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States—is that all the other States to wit: Ohio, Indiana and Illinois, which have not received the full amount of their five per cent. of the net proceeds of the sale of the public lands lying within their respective limits as mentioned in their several enabling acts in money, shall have their accounts stated both on the public lands and reservations, and such cash balance as has not been paid to said States allowed and paid, and

WHEREAS, In the judgment of this General Assembly, the provisions of the said bill, are just, and ought to become a law, therefore

Be it Resolved by the General Assembly of the State of Indiana; That our Senators in Congress be and they are hereby instructed, and our Representatives requested to vote for said bill, and use their influence to secure its speedy passage.

Be it further resolved, That the Governor be and is hereby requested to transmit a copy of this joint resolution to each of our Senators and Representatives in the Congress of the United States.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were Messrs.

Barrett,	Eward,	Jones,
Billingley,	Furnas,	Kimball,
Brett,	Gifford,	King,
Broadus,	Givan,	Lenfesty,
Butts,	Glasgow,	Lent,
Clark,	Glazebrook,	Martin,
Cline,	Goble,	McConnell,
Cobb,	Goudie,	McKinney,
Cowgill,	Gronendyke,	Miller,
Crumpacker,	Hatch	North,
Dial,	Hedrick,	Odle,
Eaton,	Heller,	Offut,
Edwards, of Lawrence,	Henderson,	Ogden
Ellsworth,	Hollingsworth,	Peed,

Prentiss,	Stanley,	Wesner,
Reeves,	Strange,	Whitworth,
Reno,	Teeter,	Willard,
Riggs,	Tingley,	Wilson, of Blackford,
Rudder,	Thompson, of Elkhart,	Willson, of Ripley,
Rumsey,	Thompson, of Spencer,	Wood,
Scott,	Troutman,	Woollen,
Shutt,	Tulley,	Wynn,
Smith,	Walker,	Mr. Speaker—70.
Spellman,		

No one voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the resolution?

It was so ordered.

Senate Bill No. 85 was taken from the Speaker's table and read a first time.

Mr. Kimball moved to suspend the constitutional rule, have the bill read a second time by title, and make the same a special order for to-morrow morning at 9 o'clock.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Billingsley,	Crumpacker,	Hardesty,
Bowser,	Dial,	Hatch,
Brett,	Eaton,	Hedrick,
Broadbuss,	Edwards, of Lawrence,	Heller,
Buskirk,	Ellsworth,	Henderson,
Butterworth,	Eward,	Hollingsworth,
Butts,	Furnas,	Johnson,
Clark,	Gifford,	Kimball,
Cline,	Glasgow,	King,
Cobb,	Glazebrook,	Lenfesty,
Cole,	Gondie,	Lent,
Cowgill,	Gronendyke,	Martin,

McConnell,	Rumsey,	Troutman,
McKinney,	Scott,	Walker,
Miller,	Smith,	Wesner,
North,	Spellman,	Wilson, of Blackford,
Odle,	Teter,	Willson of Ripley,
Ogden,	Tingley,	Wood,
Prentiss,	Thompson, of Spencer,	Wynn,
Reeves,	Thompson, of Elkhart,	Mr. Speaker—61.
Riggs,		

Those who voted in the negative were, Messrs.

Barrett,	Reno,	Tulley
Givan,	Rudder,	Whitworth,
Offutt,	Shutt,	Willard—11.
Peed,	Stanley,	

So the constitutional rule was suspended, the bill read a second time by title and made a special order for 9 o'clock to-morrow morning.

On motion of Mr. Cobb,

The House adjourned until to-morrow at 9 o'clock.

TUESDAY MORNING,

DECEMBER 10, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal of yesterday was read in part, when, on motion, the further reading of the same was dispensed with.

SPECIAL ORDER.

The special order being the consideration of the majority and minority reports from the committee on ways and means upon House Bill No. 129 at nine o'clock A. M.

Whereupon Mr. Shirley moved to recommit House Bill No. 129 to the committee on ways and means with the following instructions:

MR. SPEAKER:

The undersigned move to recommit House Bill No. 129 to the committee on ways and means with instructions to insert the following section to said bill, to wit:

That no bond or bonds, certificate or certificates, or any part thereof, or interest accrued thereon, shall be paid under the provisions of this bill that are not declared liens upon the Wabash and Erie Canal, that was conveyed by the State under what is known as the "Butler Bill."

Mr. Kimball moved to lay the instructions offered by Mr. Shirley on the table.

Messrs. Shirley and Richardson demanded the ayes and noes.

The question being, shall the instructions offered by Mr. Shirley be laid upon the table?

Those who voted in the affirmative were, Messrs.

Anderson,	Gifford,	Ogden,
Baxter,	Glasgow,	Reeves,
Billingsly,	Glazebrook,	Riggs,
Branham,	Goble,	Rumsey,
Broadus,	Gondie,	Scott,
Butterworth,	Hardesty,	Tingley,
Butts,	Hedrick,	Thompson, of Elkhart,
Cauthorn,	Heller,	Troutman,
Clark,	Hollingsworth,	Walker,
Cline,	Kimball,	Wilson, of Blackford,
Cobb,	Lenfesty,	Willson, of Ripley,
Cole,	Melletts,	Wood,
Cowgill,	Miller,	Woodard,
Edwards, of Lawrence,	North,	Wynn,
Eward,	Odle,	Mr. Speaker—46.
Furnas,		

Those who voted in the negative were, Messrs.

Baker,	Gregory,	Renó,
Bowser,	Henderson,	Richardson,
Buskirk,	Hoyer,	Rudder,
Claypool,	Isenhower,	Schmuck,
Coffman,	Jones,	Shirley,
Crumpacker,	Martin,	Shutt,
Dial,	McConnell,	Smith,
Durham,	McKinney,	Spellman,
Eaton,	Offut,	Strange,
Ellsworth,	Peed,	Teeter,
Givan,	Pfrimmer,	Wesner—32.

So the instructions were laid upon the table.

Mr. Kimball moved to lay House Bill 129 upon the table.

The ayes and noes were demanded by Messrs. Shirley and Richardson.

The question being, shall House Bill No. 129, be laid upon the table?

Those who voted in the affirmative were, Messrs.

Anderson,	Gondie,	Reeves,
Baker,	Gregory,	Richardson,
Billingsley,	Gronendyke,	Riggs,
Baxter,	Hardesty,	Rudder,
Bowser,	Hatch,	Rumsey,
Branham,	Hedrick,	Schmuck,
Broaddus,	Heller,	Scott,
Butterworth,	Henderson,	Shirley,
Butts,	Hollingsworth,	Shutt,
Cauthorn,	Hoyer,	Smith,
Clark,	Isenhower,	Spellman,
Cline,	Jones,	Stanley,
Cobb,	Kimball,	Strange,
Coffman,	King,	Teeter,
Cole,	Lenfesty,	Tingley,
Crumpacker,	Lent,	Thompson, of Elkhart,
Dial,	Martin,	Thompson, of Spencer,
Durham,	McConnell,	Troutman,
Edwards of Lawrence,	McKinney,	Walker,
Ellsworth,	Melletts,	Wesner,
Eward,	Miller,	Whitworth,
Furnas,	North,	Wilson, of Blackford,
Gifford,	Odle,	Willson, of Ripley,
Givan,	Offutt,	Wood,
Glasgow,	Ogden,	Woodard,
Glazebrook,	Peed,	Wynn,
Goble,	Pfrimmer,	Mr. Speaker—81.

Mr. Claypool voting in the negative.

So the bill was laid upon the table.

Mr. Kimball moved to take up Senate Bill No. 85.

Whereupon, Mr. Bowser moved to re-commit the bill to the committee on ways and means with the following instructions:

Resolved by the General Assembly of the State of Indiana, That the Trustees of the Wabash and Erie Canal be instructed to appeal

the case, recently tried and determined in the Cass County Circuit Court, in the State of Indiana, to the Supreme Court of the State, wherein John W. Garrett was plaintiff and said trustees were defendants; and to employ competent counsel to defend said suit in said Supreme Court; and the faith of the State is hereby pledged for the payment of such judgment and costs as may be rendered against said trustees in said court on such appeal, as well as for expenses and attorneys therein.

Mr. Walker moved to lay the motion and instructions offered by Mr. Bowser on the table.

Whereupon, the ayes and noes were demanded by Messrs. Offutt and Gregory.

The question being, shall the motion and instructions offered by Mr. Bowser be laid upon the table?

Those who voted in the affirmative were Messrs.

Anderson,	Hardesty,	Rudder,
Baxter,	Hatch,	Rumsey,
Billingsley,	Hedrick,	Schmuck,
Branham,	Hollingsworth,	Scott,
Broadbush,	Hoyer,	Shirley,
Butterworth,	Johnson,	Spellman,
Butts,	Jones,	Strange,
Cauthorn,	Kimball,	Teter,
Clark,	King,	Thayer,
Claypool,	Kirkpatrick,	Tingley,
Cline,	Lenfesty,	Thompson, of Elkhart,
Cobb,	Lent,	Thomson, of Spencer,
Cole,	Melletts,	Troutman,
Cowgill,	Miller,	Walker,
Crumpacker,	McConnell,	Wesner,
Edwards, of Lawrence,	North,	Wilson, of Blackford,
Eward,	Odle,	Willson, of Ripley,
Furnas,	Ogden,	Wood,
Gifford,	Pfrimmer,	Woodard,
Glasgow,	Prentiss,	Wolflin,
Glazebrook,	Reeves,	Wynn,
Gronendyke,	Richardson,	Mr. Speaker—70.

Those who voted in the negative were, Messrs.

Bowser,	Heller,	Peed,
Coffman,	Henderson,	Shutt,
Dial,	I-senhower,	Stanley,
Durham,	Martin,	Tulley,
Eaton,	McKinney,	Whitworth,
Ellsworth,	Offutt,	Willard—19.
Givan,		

So the motion and instructions, offered by Mr. Bowser, were laid upon the table.

Mr. Shirley moved to recommit Senate Bill No. 85 to the committee on ways and means with the following instructions:

MR. SPEAKER:

The undersigned moves to refer Senate Bill No. 85 to the committee on ways and means with instructions to insert in said bill the following section to-wit: That the bond or bonds, certificate or certificates, or any interest accrued thereon, shall be paid under the provisions of this act that are not liens upon the Wabash and Erie Canal, conveyed under what is known as the Butler Bill by the State of Indiana to the holders of certain bonds therein specified.

Mr. Walker moved to lay the motion and instructions offered by Mr. Shirley on the table.

The ayes and noes were demanded by Messrs. Buskirk and Smith.

The question being, shall the motions and instructions offered by Mr. Shirley be laid upon the table?

Those who voted in the affirmative were, Messrs.

Anderson,	Butts,	Cowgill,
Baxter,	Cauthorn,	Crumpacker,
Billingsley,	Clark,	Durham,
Branham,	Cobb,	Edwards, of Lawrence,
Broaddus,	Cole,	Eward,

Furnas,	Kirkpatrick,	Thayer,
Gifford,	Lenfesty,	Tingley,
Glasgow,	Lent,	Thompson, of Elkhart,
Glazebrook,	McConnell,	Thompson, of Spencer,
Gondie,	Melletts,	Troutman,
Gronendyke,	Miller,	Walker,
Hardesty,	North,	Wessner,
Hatch,	Odle,	Wilson, of Blackford,
Hedrick,	Ogden,	Willson, of Ripley,
Hollingsworth,	Prentiss,	Wood,
Johnson,	Reeves,	Woodard,
Jones,	Rumsey,	Wolflin,
Kimball,	Satterwhite,	Wynn,
King,	Scott,	Mr. Speaker—57.

Those who voted in the negative were. Messrs.

Bowser,	Heller,	Schmuck, ³
Brett,	Henderson,	Shirley,
Buskirk,	Hoyer,	Shutt,
Claypool,	Martin,	Smith,
Cline,	McKinney,	Spellman,
Coffman,	Offutt,	Stanley,
Dial,	Peed,	Strange,
Eaton,	Pfrimmer,	Teeter,
Ellsworth,	Reno,	Tulley,
Givan,	Richardson,	Whitworth,
Goble,	Rudder,	Willard—35.
Gregory,		

So the motion and instructions offered by Mr. Shirley were laid upon the table.

Whereupon, Senate Bill No. 85 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baxter,	Branham,	Butterworth,
Billingsley,	Broadus,	Butts,

Clark,	Johnson,	Satterwhite,
Cobb,	Kimball,	Scott,
Cole,	King,	Thayer,
Cowgill;	Kirkpatrick,	Tingley,
Crumpacker,	Lenfesty,	Thompson, of Elkhart,
Edwards, of Lawrence,	Lent,	Thompson, of Spencer,
Eward,	McConnell,	Troutman,
Furnas,	Melletts,	Walker,
Gifford,	Miller,	Wesner,
Glasgow,	North,	Wilson, of Blackford,
Glazebrook,	Odle,	Willson, of Ripley.
Goudie,	Ogden,	Wood,
Grondyke,	Prentiss,	Woodard,
Hardesty,	Reeves,	Wolfin,
Hatch,	Riggs,	Wynn,
Hedrick,	Rumsey,	Mr. Speaker—56.
Hollingsworth,		

Those who voted in the negative were, Messrs.

Anderson,	Goble,	Richardson,
Bowser,	Gregory,	Rudder,
Brett,	Heller,	Schmuck,
Buskirk,	Henderson,	Shirley,
Cauthorn,	Hoyer,	Shutt,
Claypool,	Isenhower,	Spellman,
Cline,	Jones,	Stanley,
Coffman,	Martin,	Strange,
Dial,	McKinney,	Teter,
Durham,	Offutt,	Tulley,
Eaton,	Peed,	Whitworth,
Ellsworth,	Pfrimmer,	Willard—39.
Givan,	Reno,	

Mr. Shirley presented the following protest:

MR. SPEAKER:

I offer the following protest against the passage of Senate Bill No. 85 for the reason that it provides for the payment of bonds and certificates that the faith of the State is not pledged to pay, and bonds

and certificates that are not liens upon the Wabash and Erie Canal, that was conveyed by the State under what is known as the Butler Bill.

I vote *no*.

W. S. SHIRLEY.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to herewith transmit to the House of Representatives for the signature of the Speaker thereof, the following enrolled acts of the Senate, to-wit:

Enrolled Senate Act No. 8. An act entitled "An act providing for the holding of courts in the Twenty-fifth Common Pleas District of the State of Indiana," and declaring an emergency.

Also, Enrolled Senate Act No. 38. An act supplemental to an act approved February 25, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters connected therewith."

Also, Enrolled Senate Act No. 124. An act to define what shall be the salary of the Governor, the manner of paying the same, and declaring an emergency.

The Speaker announced that he had signed Senate Enrolled Acts Nos. 8, 38, 65, and 124. Also, the following Enrolled Acts of the House, Nos. 22, 33, 92, and 98.

The committee on engrossed bills submitted the following report:

MR. SPEAKER:

Your committee on engrossed bills, to whom was referred Engrossed House Bills Nos. 90, 138, and 151, have examined the same with the original copies thereof, and find them in all respects correctly engrossed.

The committee on engrossed bills submitted the following report:

MR. SPEAKER:

The committee on engrossed bills have examined Engrossed House Bills Nos. 56 and 198 and find them in all respects correctly engrossed.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed Senate Bills, to-wit:

Engrossed Senate Bill No. 51. A bill to amend section one of an act entitled, "An act to organize a Supreme Court and prescribing certain duties of the Judges thereof."

Also, Engrossed Senate Bill No. 52. An act dividing the State into five Supreme Court Judicial Districts, providing for the appointment of one Judge of said Court to fill vacancy, repealing all laws in conflict herewith and declaring an emergency.

And the same is herewith transmitted to the House.

The joint committee on enrolled acts submitted the following report:

MR. SPEAKER:

Your committee on enrolled acts, this 9th day of December, 1872, to whom was submitted House Bill No. 198, entitled "A bill to make specific appropriation therein mentioned," have submitted the same to the Governor for his approval.

The joint committee on enrolled acts submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills have delivered House Bill No. 92 to the Governor for his approval.

On motion,

The House adjourned until at 2 o'clock P. M.

AFTERNOON SESSION 2 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report :

MR. SPEAKER :

Your committee on the judiciary to whom was referred House Bill No. 184, entitled "An act creating the Thirteenth Judicial Circuit, providing compensation therefor, declaring the jurisdiction of said Court, providing for the transfer of actions thereto, and declaring an emergency," have considered said bill and recommend that the same be indefinitely postponed.

Which report was concurred in and the bill indefinitely postponed.

Mr. Furnas, chairman of the committee on agriculture, submitted the following report.

MR. SPEAKER :

Your committee on agriculture to whom was referred House Bill

No. 191, being a bill for the protection of timber and stone from unlawful removal, have had the same under consideration and direct me to report the same back with the following amendment :

Strike out in the seventeenth line of section one the words "exceeding five hundred dollars," with all the remainder of the section and insert in lieu thereof the following amendment : "not less than twenty-five dollars nor more than three hundred, and for the second and each succeeding offence shall be added imprisonment in the county jail not less than ten days nor more than sixty days," and when so amended recommend its passage.

Which report was concurred in, the amendment adopted, the bill read a second time and ordered to be engrossed.

Mr. Billingsley, from the committee on agriculture, submitted the following report :

MR. SPEAKER :

The committee to whom was referred House Bill No. 193 would beg leave to report that they have examined the same and herewith report it back to the House with the recommendation that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Billingsley, from the committee on agriculture submitted the following report :

MR. SPEAKER :

The committee to whom was referred House Bill No. 86 beg leave to report that they have examined the same and herewith report it back with the recommendation that it be indefinitely postponed and the accompanying bill be submitted instead.

Which report was concurred in, the original bill indefinitely postponed and the following bill submitted in lieu thereof.

An act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or

killed, and prescribing the penalty for violation of the same," approved March 11th, 1867; and also providing for the protection of certain birds therein named, and their eggs; affixing a penalty and declaring an emergency.

Which was read a first time and passed to its second reading.

Mr. Mellett chairman of the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 130, entitled "An act to render uniform the rate of interest on the common school fund of the State of Indiana," have had the same under consideration, and herewith return the same and recommend its passage.

Which report was concurred in, the bill was read a second time and ordered to be engrossed.

Mr. Woodard chairman of the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 113, to amend section two of an act entitled "An act to amend sections four and seven of an act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana," approved June 3, 1861, would respectfully recommend its passage.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Cole, from the committee on fees and salaries, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred House Bill No. 25, "An act fixing the salaries of the Governor, Judges of the Supreme

Court, Judges of the Circuit Courts, Judges of the Common Pleas Courts and District Attorneys, and to repeal section four of an act entitled an act appointing commissioners to sell certain real estate therein named, and to provide a residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith," approved February 25, 1865, beg leave to report that the same be indefinitely postponed.

On motion of Mr. Givan, the report was laid upon the table.

Mr. Branham moved to take from the Speaker's table House Bill No. 3.

Whereupon the Speaker called Mr. Offutt to the chair.

House Bill No. 3 was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative, were, Messrs.

Anderson,	Crumpacker,	Hollinsworth,
Baker,	Dial,	Isenhower,
Baxter,	Durham,	Johnson,
Billingsley,	Eaton,	Jones,
Blo her,	Edwards, of Lawrence,	Kimball,
Bowser,	Ellsworth,	King,
Branham,	Eward,	Kirkpatrick,
Brett,	Furnas,	Lenfesty,
Broadus,	Gifford,	Lent,
Buskirk,	Givan,	Martin,
Butterworth,	Glasgow,	McConnell,
Butts,	Glazebrook,	McKinney,
Cauthorn,	Goble,	Mellet,
Clark,	Goudie,	Miller,
Claypool,	Gregory,	North,
Cline,	Gronendyke,	Odle,
Cobb,	Hatch,	Offutt,
Coffman,	Hedrick,	Ogden,
Cole,	Heller,	Peed,
Cowgill,	Henderson,	Pfrimmer,

Prentiss,	Smith,	Tulley,
Reeves,	Spellman,	Walker,
Reno,	Stanley,	Whitworth,
Richardson,	Strange,	Willard,
Riggs,	Teter,	Wilson, of Blackford,
Rudder,	Thayer,	Willson, of Ripley,
Satterwhite,	Tingley,	Wood,
Scott,	Thompson, of Elkhart,	Woodard,
Shirley,	Thompson, of Spencer,	Mr. Speaker—89.
Shutt,	Troutman,	

Mr. Wesner voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Lenfesty offered the following amendment:

Amend the title by adding thereto: "and saving from the operations of this act all works ten miles in length and under."

Which amendment was adopted.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed Senate Bill, to wit:

Engrossed Senate Bill No. 141. A bill in relation to the funded debt of the State of Indiana therein mentioned, and the same is herewith transmitted to the House of Representatives.

The committee on engrossed bills submitted the following report:

MR. SPEAKER :

The committee on engrossed bills have carefully examined engrossed House Bills Nos. 64, 112, 123, 124, 172, 177, 187, and find the same correctly engrossed.

Mr. Shirley offered the following resolution :

Resolved, That the judiciary committee be instructed to report to this House, by bill or otherwise, what legislation is necessary in regard to redistricting the State for judicial purposes, so as to equalize the labor of the judges of the several courts therein, and increasing the salaries of the same.

Which was adopted.

Mr. Gregory presented the claim of C. W. Wightson, as clerk of the committee appointed to investigate the matter of surplus revenue of Carroll county.

Which was referred to the committee on claims.

Mr. Gregory presented the claim of E. P. Beauchamp for services as special messenger for the committee appointed to investigate the matter of the surplus revenue of Carroll county.

Which was referred to the committee on claims.

Mr. Walker offered the following resolution :

Resolved, That the reporters of the daily papers, who publish the proceedings of the House, and also the Brevier Legislative Reports, be entitled to draw an amount of stationery from the Secretary of State, not exceeding twenty-five dollars.

Mr. Kimball offered the following amendment :

Amend by adding that each member of the House shall furnish the reporters one-half quire each of legal cap paper.

Pending the consideration of which,

On motion of Mr. Willson, of Ripley,

The House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY MORNING.

DECEMBER 11, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

Prayer was offered by the Rev. Mr. Cornelius, of Indianapolis.

The Journal of yesterday was read in part, when,

On motion,

The further reading of the same was dispensed with.

Messrs. Baker and Blocher being absent on yesterday when the vote on the passage of Senate Bill No. 35 was taken, asked that the Journal show that if they had been present they would have voted against the passage of said bill.

Mr. Spellman was granted leave of absence until Friday next.

M. Barrett was granted leave of absence until Monday next.

Mr. Butterworth offered the following resolution:

Resolved, That the publishers of the Daily Journal are hereby required to deliver their papers to this House by half-past 7 o'clock every morning.

Which was adopted.

Mr. Kimball, chairman of the committee on ways and means, submitted the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred House

Bill No. 163, "to provide a uniform assessment of property, and for the collection and return of taxes thereon," have had the same under consideration. The bill was examined carefully and at length, and the committee unanimously recommend its passage, with the following amendment:

The words "including valuation and taxes," shall follow the words "tract or lot of land," in section 195.

Which was concurred in, the amendment adopted, and,

On motion,

The bill was considered as engrossed.

On motion of Mr. Branham,

The bill was recommitted to the committee on ways and means, to be reported back on to-morrow, and made a special order for 10 o'clock A. M.

On motion of Mr. Kimball,

The regular order of business was taken from the Speaker's table.

Senate Bill No. 141 was taken from the Speaker's table, read a first time, and passed to a second reading.

Mr. Branham moved to suspend the constitutional rule, have the bill read a second time by title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Cauthorn,	Cowgill,
Baxter,	Clark,	Crumpacker,
Blocher,	Claypool,	Dial,
Branham,	Cline,	Durham,
Brett,	Cobb,	Eaton,
Broadbus,	Coffman,	Edwards, of Lawrence,
Butterworth,	Cole,	Ellsworth,

Eward,	McConnell,	Shutt,
Givan,	McKinney,	Smith,
Glasgow,	Mellett,	Stanley,
Goble,	Miller,	Strange,
Gondie,	North,	Teter,
Gregory,	Odle,	Thayer,
Gronendyke,	Offutt,	Tingley,
Hardesty,	Ogden,	Thompson, of Elkhart,
Hauch,	Peed,	Thompson, of Spencer,
Hedrick,	Pfrimmer,	Troutman,
Heller,	Prentiss,	Tulley,
Henderson,	Reeves,	Walker,
Hollingsworth,	Reno,	Wesner,
Hoyer,	Richardson,	Whitworth,
Isenbower,	Riggs,	Willson, of Ripley,
Johuson,	Rudder,	Wilson, of Blackford,
Kimball,	Satterwhite,	Wood,
King,	Schmuck,	Wolflin,
Kirkpatrick,	Scott,	Wynn,
Lenfesty,	Shirley,	Mr. Speaker—82.
Martin,		

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cauthorn,	Durham,
Baker,	Clark,	Eaton,
Baxter,	Claypool,	Edwards, of Lawrence,
Billingsley,	Cline,	Ellsworth,
Blocher,	Cobb,	Eward,
Branham,	Coffman,	Furnas,
Brett,	Cole,	Gifford,
Broadbuss,	Cowgill,	Givan,
Buskirk,	Crumpacker,	Glasgow,
Butterworth,	Dial,	Glazebrook,

Goble,	Miller,	Spellman,
Goudie,	North,	Stanley,
Gregory,	Odle,	Strange,
Gronendyke,	Offutt,	Teeter,
Hardesty,	Ogden,	Thayer,
Hatch,	Peed,	Tingley,
Hedrick,	Pfrimmer,	Thompson, of Elkhart,
Heller,	Prentiss,	Thompson, of Spencer,
Hollingsworth,	Reeves,	Troutman,
Hoyer,	Reno,	Tulley,
Isenhower,	Richardson,	Walker,
Johnson,	Riggs,	Wesner,
Kimball,	Rudder,	Whitworth,
King,	Rumsey,	Wilson, of Blackford,
Kirkpatrick,	Satterwhite,	Wilson, of Ripley,
Lenfesty,	Schmuck,	Wood,
Martin,	Scott,	Woodard,
McConnell,	Shirley,	Wolfiin,
McKinney,	Shutt,	Wynn,
Melletts,	Smith,	Mr. Speaker—90.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The Speaker laid before the House a communication from the Auditor of State, in compliance with a resolution of the House, requesting information in regard to the State debt and the duties of the Agent of State, in connection therewith.

STATE OF INDIANA,
OFFICE OF AUDITOR OF STATE,
December 6, 1872.

HON. W. K. EDWARDS,

Speaker of the House of Representatives:

In compliance with a resolution of the House, requesting information in regard to the State debt and the duties of the Agent of State in connection therewith.

I respectfully submit the following, being advanced sheets of a portion of the forthcoming report of this office relating to the State debt.

JOHN C. SHOEMAKER, Auditor.

THE STATE DEBT.

The condition of the public debt of the State at the date of this report, October 31, 1872, is as follows:

FOREIGN DEBT.

Five per cent. certificates of State stock.....	\$32,869 99
Two and one half per cent. certificates of State Stock	5,020 13
War Loan Bonds	139,000 00
Total.....	<hr/> \$176,890 12

DOMESTIC DEBT.

The domestic debt of the State has been reduced, during the year, to one item, namely:

School Fund, non-negotiable bonds.....	\$3,729,016 15
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These bonds are four in number, and are as follows:

No. 1. Jan. 1, 1867	\$709,024 85
“ 2. Jan. 20, 1867.....	2,658,057 30
“ 3. May 1, 1868.....	184,234 00
“ 4. Jan. 20, 1871.....	177,700 00
Total.....	<hr/> \$3,729,016 15

Entire Foreign Debt.....	\$176,890 12
Entire Domestic Debt.....	3,729,016 15

Total bonded debt of the State \$3,905,906 27

The five, and two and one half per cent. certificates ceased to bear interest after the first day of September, 1870, leaving the interest bearing debt of the State as follows:

War Loan Bonds.....	\$139,000 00
School Fund Bonds.....	3,729,016 15

Total interest bearing debt of the State..... \$3,868,016 15

All of which is at the rate of six per cent. Of the \$5,020.13 of two and one half per cent. certificates, outstanding on the 31st of October, 1871, none have since been presented for payment.

The transactions in relation to the State debt, during the past year, are as follows:

Five per cent. certificates of stock outstanding Oct. 31, 1871.....	\$48,369 99
Redeemed during the year by State Debt Board.....	15,500 00

Outstanding Oct. 31, 1872..... \$32,869 99

Two and one half per cent. certificates no transac- tions. Outstanding October 31, 1872, same as last year.....	\$5,020 13
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War Loan Bonds outstanding Oct. 31, 1871.....	\$154,000 00
Redeemed, during the year, of bonds held by the Sinking Fund.....	\$10,000 00
Other bonds.....	5,000 00
Total.....	<hr/> \$15,000 00

Outstanding Oct. 31, 1872..... \$139,000 00

The entire amount of foreign debt outstanding, as heretofore stated, is \$176,890.12.

The resources of the State applicable only to the payment of the public debt are as follows :

In State Treasury.....	\$603,221 08
In the hands of the State Agent, New York.....	99,480 40
Total.....	<u>\$702,701 48</u>

It will be seen that, excepting the \$10,000 held by this office on account of the Sinking Fund, but five thousand dollars have been presented for payment this year ; and, as before remarked, the five and two and one-half per cent. certificates ceased to bear interest after the first day of September, 1870, and that fact, together with the readiness of the State to redeem, at the agency in New York, all the remaining outstanding certificates, has been well advertised.

Since this time, now more than two years, no two and one-half per cent. certificates have been presented. And since March, 1871, but \$19,500 of the five per cents. have been presented ; and during the past year there have been but four transactions at the agency in New York, namely :

The redemption, December 7th, 1871, of.....	\$7,000
The redemption, January 20th, 1872, of.....	5,000
The redemption, September 6th, 1872, of.....	1,000
The redemption, October 17th, 1872, of.....	2,500

Judging from the past, there is but little probability that the holders of the remnant of the war loan bonds will desire or consent to their payment before their maturity in 1881. And it is quite probable that most, if not all, of the remaining five and two and one-half per cent. certificates have either been lost or destroyed, and therefore will never be presented ; and as the State has for more than three years done all in her power to procure the surrender of these certificates, there is not, in my judgment, any further obligation to recognize them as a debt, certainly not as a debt entitled to demand payment in New York. Should, however, any of these certificates, at any time, make their appearance ; or any of the holders of the few remaining war loan bonds desire their payment, there can be neither injustice nor hardship in requiring them to be presented for payment at the State Treasury.

In my opinion, there is no longer any necessity for either this Agency, or the Board of State Debt Sinking Fund Commissioners ;

and I recommend that both be abolished, and funds in New York transferred to the public Treasury; and that all laws pertaining to such agency and board, be repealed. Had the usual expense of the agency been incurred the past year, that amount added to the interest value of the money held by the agent in New York would have about equaled the \$15,500 redemption.

The cost of the Agency during the past year, as will be seen by condensed statement upon another page, has been less than one-half the usual cost heretofore, and yet the \$2,500 paid the agent, and the \$500 paid the Clerk of the Sinking Fund Board, without considering the value of the money held in New York is but a trifle less than twenty per cent. of the entire necessary payments at the Agency.

The following communication was received from the Governor, by his private Secretary, John M. Commons.

STATE OF INDIANA, EXECUTIVE DEPARTMENT,
INDIANAPOLIS, December 7, 1872.

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House, that House Joint Resolution No. 5, being "A joint resolution instructing our Senators, and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts," has been deposited in the office of the Secretary of State, and that he has caused a certified copy thereof to be transmitted to each of our Senators and Representatives in Congress.

Also, that he has approved and signed enrolled act of the House No. 22, entitled, "An act to amend the first section and title of an act approved March 4, 1865, and entitled, 'an act providing for the completion of the unfinished business of any session of the General Assembly, by the next succeeding special session of the same General Assembly,'" and that the same has been deposited in the office of the Secretary of State.

JOHN M. COMMONS,
Private Secretary.

MR. SPEAKER:

I am directed by the Governor to respectfully inform the House that he has approved and signed Enrolled act of the House No. 92, entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 8, 1867, and repealing section 11 of said act.

Also, that he has approved and signed Enrolled Act of the House No. 98, entitled "A bill to make certain specific appropriations therein mentioned."

And that said acts have been deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

House Bill No. 115 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cowgill,	Hedrick,
Baker,	Crumpacker,	Heller,
Baxter,	Dial,	Hollingsworth,
Billingsley,	Durham,	Hoyer,
Blocher,	Eaton,	Isenhower,
Bowser,	Edwards, of Lawrence,	Kimball,
Branham,	Ellsworth,	King,
Brett,	Eward,	Kirkpatrick,
Broaddus,	Furnas,	Lenfesty,
Butterworth,	Gifford,	Lent,
Butts,	Givan,	Martin,
Cauthorn,	Glasgow,	McConnell,
Clark,	Glazebrook,	McKinney,
Claypool,	Gondie,	Mellett,
Cline,	Goble,	Miller,
Cobb,	Gronendyke,	North,
Coffman,	Hardesty,	Odle,
Cole,	Hatch,	Offutt,

Ogden,	Shirley,	Tulley,
Peed,	Shutt,	Walker,
Pfrimmer,	Smith,	Wesner,
Prentiss,	Stanley,	Whitworth,
Reno,	Strange,	Wilson, of Blackford,
Riggs,	Teeter,	Willson, of Ripley,
Rudder,	Thayer,	Wood,
Rumsey,	Tingley,	Woodard,
Satterwhite,	Thompson, of Elkhart,	Wolflin,
Schmuck,	Thompson, of Spencer,	Wynn,
Scott,	Troutman,	Mr. Speaker—88.

Mr. Buskirk voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 88 was taken up and read a third time.

Whereupon Mr. Lenfesty offered the following resolution:

MR. SPEAKER:

I move to recommit with instructions to strike out the words Township Assessor, and insert Township Trustee, and so amend that the statistics shall be collected at the time of making the enumeration, for common school purposes.

Which motion prevailed and the bill was so recommitted.

On motion of Mr. Wilson, of Ripley,

House Bill No. 118, which has failed to pass for want of a constitutional majority, was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baxter,	Gifford,	Scott,
Billingsley,	Goble,	Shirley,
Branham,	Goudie,	Shutt,
Brett,	Hatch,	Stanley,
Broadbuss,	Hollingsworth,	Teeter,
Buskirk,	Hoyer,	Thayer,
Butterworth,	King,	Tingley,
Butts,	Kirkpatrick,	Thompson, of Spencer,
Clark,	Lent,	Walker,
Claypool,	Mellett,	Wesner,
Coffman,	Miller,	Whitworth,
Cole,	North,	Willson, of Ripley,
Dial,	• Odle,	Wood,
Edwards, of Lawrence,	Offutt,	Woodard,
Ellsworth,	Reno,	Wolfen,
Eward,	Riggs,	Wynn,
Furnas,	Schmuck,	Mr. Speaker—51.

Those who voted in the negative were, Messrs.

Anderson,	Gronendyke,	Richardson,
Baker,	Hedrick,	Rudder,
Cauthorn,	Isenhower,	Rumsey,
Cline,	Lenfesty,	Smith,
Cobb,	Martin,	Strange,
Crumpacker,	McConnell,	Thompson, of Elkhart,
Durham,	McKinney	Troutman,
Eaton,	Peed,	Tulley,
Givan,	Pfrimmer,	Willard,
Glazebrook,	Reeves,	Wilson, of Bl'kf'd--30.

So the bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

House Bill No. 128 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Reeves,
Baxter,	Glazebrook,	Riggs,
Billingsley,	Goble,	Runsey,
Branham,	Goudie,	Schmuck,
Brett,	Gronendyke,	Scott,
Broadus,	Hatch,	Shirley,
Buskirk,	Hedrick,	Smith,
Butterworth,	Hollingsworth,	Strange,
Butts,	Hoyer,	Teeter,
Cauthorn,	Isenhower,	Thayer,
Claypool,	Kimball,	Tingley,
Cobb,	King,	Thompson, of Spencer,
Coffman,	Kirkpatrick,	Troutman,
Crumpacker,	Lenfesty,	Tulley,
Dial,	Lent,	Whitworth,
Durham,	Melletts,	Willard,
Eaton,	Miller,	Wilson, of Blackford,
Edwards, of Lawrence,	North,	Wood,
Ellsworth,	Odle,	Woodard,
Eward,	Ogden,	Wolfin,
Furnas,	Pfrimmer,	Wynn—65
Gifford,	Prentiss,	

Those who voted in the negative were, Messrs.

Baker,	McKinney,	Rudder,
Blocher,	Offutt,	Stanley,
Claypool,	Peed,	Thompson, of Elkhart,
Givan,	Reno,	Wesner,
Martin,	Richardson,	Mr. Speaker—16.
McConnell,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Woodard moved to reconsider the vote taken on the passage of House Bill No. 128.

Mr. Gifford moved to lay the motion of Mr. Woodard on the table.

Which motion prevailed.

House Bill No. 56 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gifford,	North,
Baker,	Givan,	Ogden,
Billingsley,	Glazebrook,	Peed,
Brett,	Gronendyke,	Reeves,
Butterworth,	Hatch,	Riggs,
Cauthorn,	Hedrick,	Satterwhite,
Clark,	Hollingsworth,	Schmuck,
Cline,	Isenhower,	Thayer,
Cobb,	Johnson,	Thompson, of Spencer,
Coffman,	Jones,	Troutman,
Cole,	Kimball,	Walker,
Cowgill,	King,	Willson, of Ripley,
Durham,	Kirkpatrick,	Wood,
Edwards of Lawrence,	Lenfesty,	Wolfin,
Ellsworth,	Melletts,	Mr. Speaker—45.

Those who voted in the negative were, Messrs.

Baxter,	Henderson,	Shirley,
Blocher,	Hoyer,	Shutt,
Broadbuss,	Lent,	Smith,
Buskirk,	Martin,	Stanley,
Claypool,	McConnell,	Strange,
Crumpacker,	McKinney,	Teeter,
Dial,	Miller,	Tingley,
Eaton,	Odle,	Thompson, of Elkhart,
Eward,	Offutt,	Tulley,
Furnas,	Prentiss,	Whitworth,
Glasgow,	Reno,	Willard,
Goble,	Richardson,	Wilson of Blackford,
Goudie,	Rumsey,	Woodard,
Gregory,	Scott,	Wynn—43.
Heller,		

So the bill did not pass for the want of the constitutional majority.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill, to wit:

Senate Bill No. 9. A bill to repeal an act, entitled, "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all laws relating to the same subject," which took effect without executive approval on the 22d day of May, 1869.

Also, an act to repeal an act, entitled, "An act supplemental to an act, entitled, 'an act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relative to the same subject,'" which act took effect May 22, 1869, and prescribing penalties for the violation of the provisions thereof, which last named act was approved on the 23d day of February, 1871, and saving the rights therein mentioned.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following joint resolution of the House, to wit:

House Joint Resolution No. 2. A joint resolution agreeing and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the tenth article, a section in relation to the debt charged upon the Wabash and Erie Canal, and the same is herewith returned to the House.

On motion, of Mr. Woodard,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION, 2 O'CLOCK, P. M.

The House met pursuant to adjournment, with the Speaker in the chair.

Mr. Woodard moved a call of the House.

Those who answered to their names were, Messrs.

Baker,	Hedrick,	Sutterwhite,
Baxter,	Heller,	Schmuck,
Branham,	Henderson,	Scott,
Broadus,	Hollingsworth,	Shirley,
Butterworth,	Hoyer,	Shutt,
Butts,	Isenhower,	Smith,
Cauthorn,	Jones,	Spellman,
Clark,	Kimball,	Stanley,
Claypool,	Kirkpatrick,	Strange,
Cline,	Lentesty,	Teeter,
Cobb,	Lent,	Thayer,
Coffman,	Martin,	Tingley,
Cole,	McConnell,	Thompson, of Elkhart,
Cowgill,	McKinney,	Thompson, of Spencer,
Crumpacker,	Melletts,	Troutman,
Dial,	Miller,	Tulley,
Eaton,	North,	Walker,
Edwards, of Lawrence,	Odle,	Wesber,
Ellsworth,	Ofutt,	Whitworth,
Eward,	Ogden,	Willard,
Furnas,	Peed,	Wilson, of Blackford,
Gifford,	Pfrimmer,	Willson, of Ripley,
Givan,	Reeves,	Wood,
Glasgow,	Reno,	Woodard,
Goble,	Richardson,	Wolfen,
Gregory,	Riggs,	Woollen,
Gronendyke,	Rudder,	Wynn,
Hardesty,	Rumsey,	Mr. Speaker—85.
Hatch,		

On motion of Mr. Branham, further proceedings under the call were dispensed with.

Mr. Broaddus, chairman of the committee on engrossed bills, submitted the following report :

MR. SPEAKER :

The committee on engrossed bills have examined Engrossed House Bill No. 152 with the engrossed copy, and find it in all respects correctly engrossed.

The special order for 2 o'clock being the re-consideration of the vote upon House Bill No. 73, by which it was lost.

Whereupon House Bill No. 73 was taken up.

Mr. Lenfesty moved to lay the motion to re-consider on the table.

Whereupon Messrs. Offutt and Hardesty demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Baxter,	Lenfesty,	Shutt,
Butts,	McConnell,	Smith,
Clark,	Melletts,	Stanley,
Claypool,	North,	Thompson, of Elkhart,
Crumpacker,	Pfrimmer,	Troutman,
Ellsworth,	Reno,	Wilson, of Blackford,
Hatch,	Scott,	Wynn—22.
Hollingsworth,		

Those who voted in the negative were, Messrs.

Anderson,	Cowgill,	Hardesty,
Baker,	Dial,	Hedrick,
Billingsley,	Eaton,	Heller,
Branham,	Edwards, of Lawrence,	Hoyer,
Brett,	Eward,	Isenhower,
Broaddus,	Furnas,	Johnson,
Buskirk,	Gifford,	Jones,
Butterworth,	Glasgow,	Kimball,
Canthorn,	Goble,	Kirkpatrick,
Cline,	Gregory,	Lent,
Cobb,	Gronendyke,	Martin,

McKinney,	Rumsey,	Walker,
Miller,	Satterwhite,	Wesner,
Odle,	Schmuck,	Whitworth,
Offutt,	Shirley,	Willard,
Odgen,	Strange,	Willson, of Ripley,
Peed,	Teter,	Wood,
Reeves,	Thayer,	Woodard,
Richardson,	Tingley,	Wolflin,
Riggs,	Thompson, of Spencer,	Woollen,
Rudder,	Tulley,	Mr. Speaker—63.

So the motion did not prevail.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Henderson,	Schmuck,
Baker,	Hoyer,	Shirley,
Billingsley,	Isenhower,	Strange,
Buskirk,	Jones,	Teeter,
Canthorn,	Johnson,	Thayer,
Cobb,	Kimball,	Thompson, of Spencer,
Coffman,	Lent,	Tulley,
Cole,	Martin,	Walker,
Cowgill,	Miller,	Wesner,
Eaton,	Odle,	Whitworth,
Edwards, of Lawrence,	Offutt,	Willard,
Gifford,	Ogden,	Willson, of Ripley,
Gregory,	Peed,	Wood,
Gronendyke,	Reeves,	Woodard,
Hardesty,	Richardson,	Wolflin,
Hedrick,	Riggs,	Woollen,
Heller,	Rumsey,	Mr. Speaker—51.

Those who voted in the negative were, Messrs.

Baxter,	Clark,	Ellsworth,
Branham,	Claypool,	Eward,
Brett,	Cline,	Furnas,
Broaddus,	Crumpacker,	Givan,
Butts,	Dial,	Glasgow,

Goble,	McKinney,	Shutt,
Goudie,	Melletts,	Smith,
Hatch,	North,	Stanley,
Hollingsworth,	Pfrimmer,	Tingley,
King,	Reno,	Thompson, of Elkhart,
Kirkpatrick,	Rudder,	Troutman,
Lenfesty,	Satterwhite,	Wilson, of Blackford,
McConnell,	Scott,	Wynn—39.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

On motion of Mr. Kimball,

House Bill No. 151 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Crumpacker,	Henderson,
Baxter,	Dial,	Hollingsworth,
Billingsley,	Edwards, of Lawrence,	Hoyer,
Blocher,	Ellsworth,	Isenhower,
Branham,	Eward,	Johnson,
Brett,	Furnas,	Jones,
Broadus,	Gifford,	Kimball,
Buskirk,	Givan,	King,
Butterworth,	Glasgow,	Kirkpatrick,
Butts,	Glazebrook,	Lenfesty,
Cauthorn,	Goble,	Lent,
Clark,	Goudie,	Martin,
Claypool,	Gregory,	McConnell,
Cline,	Gronendyke,	McKinney,
Cobb,	Hardesty,	Melletts,
Coffman,	Hatch,	Miller,
Cole,	Hedrick,	North,
Cowgill,	Heller,	Odle,

Offutt,	Schmuck,	Thompson, of Spencer,
Ogden,	Scott,	Troutman,
Peed,	Shirley,	Tulley,
Pfrimmer,	Shutt,	Wesner,
Prentiss,	Smith,	Whitworth,
Reeves,	Stanley,	Wilson, of Blackford,
Reno,	Strange,	Wood,
Richardson,	Teter,	Woodard,
Riggs,	Thayer,	Wolfen,
Rudder,	Tingley,	Wynn,
Rumsey,	Thompson, of Elkhart,	Mr. Speaker—88.
Satterwhite,		

Mr. Baker voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

On motion of Mr. Kimball,

House Bill No. 152 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Claypool,	Furnas,
Baxter,	Cline,	Gifford,
Billingsley,	Cobb,	Givan,
Blocher,	Cole,	Glasgow,
Branham,	Cowgill,	Glazebrook,
Brett,	Crumpacker,	Goble,
Broadbus,	Dial,	Goudie,
Buskirk,	Dunham,	Gronendyke,
Butterworth,	Eaton,	Hardesty,
Butts,	Edwards, of Lawrence,	Hatch,
Cauthorn,	Ellsworth,	Hedrick,
Clark,	Eward,	Heller,

Henderson,	Odle,	Smith,
Hollingsworth,	Offutt,	Stanley,
Hoyer,	Ogden,	Strange,
Isenhower,	Peed,	Teter,
Johnson,	Pfrimmer,	Thayer,
Jones,	Prentiss,	Tingley,
Kimball,	Reeves,	Thompson, of Elkhart,
King,	Reno,	Thompson, of Spencer,
Kirkpatrick,	Richardson,	Troutman,
Lenfesty,	Riggs,	Tulley,
Lent,	Rudder,	Wesner,
Martin,	Rumsey,	Wilson, of Blackford,
McConnell,	Satterwhite,	Wood,
McKinney,	Schmuck,	Woodard,
Mellett,	Scott, ²	Wolfin,
Miller,	Shirley,	Woollen,
North,	Shutt,	Wynn—87.

Mr. Baker and Mr. Speaker voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

On motion of Mr. Butterworth,

Senate Bill No. 1 was taken up and read a first time.

Mr. Butterworth moved to suspend the Constitutional rule, have the bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the Constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Branham,	Cauthorn,
Baker,	Brett,	Clark,
Billingsley,	Butterworth,	Claypool,
Blocher,	Butts,	Cline,

Cobb,	King,	Shirley,
Coffman,	Kirkpatrick,	Shutt,
Crumpacker,	Lenfesty,	Smith,
Dial,	Lent,	Spellman,
Durham,	Martin,	Stanley,
Eaton,	McConnell,	Strange,
Edwards, of Lawrence,	McKinney,	Teter,
Ellsworth,	Mellett,	Thayer,
Eward,	Miller,	Tingley,
Furnas,	North,	Thompson, of Elkhart,
Gifford,	Odle,	Thompson, of Spencer,
Glasgow,	Offutt,	Troutman,
Glazebrook,	Ogden,	Tulley,
Goble,	Peed,	Walker,
Goudie,	Pfrimmer,	Wesner,
Gronendyke,	Prentiss,	Whitworth,
Hardesty,	Reeves,	Willard,
Hatch,	Reno,	Wilson, of Blackford,
Hedrick,	Richardson,	Willson, of Ripley,
Heller,	Riggs,	Wood,
Henderson,	Rudder,	Woodard,
Hollingsworth,	Rumsey,	Wolfin,
Hoyer,	Satterwhite,	Woollen,
Isenhower,	Schmuck,	Wynn,
Johnson,	Scott,	Mr. Speaker—87.
Kimball,		

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by title, read a third time by sections and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Butts,	Cline,
Baxter,	Butterworth,	Coffman
Billingsley,	Broadus,	Cobb,
Blocher,	Cauthorn,	Cole,
Branham,	Clark,	Cowgill,
Brett,	Claypool,	Crumpacker,

Dial	King,	Shirley,
Durham,	Kirkpatrick,	Smith,
Eaton,	Lent,	Stanley,
Edwards, of Lawrence,	Martin,	Shutt,
Ellsworth,	Mellet,	Strange,
Eward,	Miller,	Teeter,
Furnas,	McKinney,	Tingley,
Gifford,	McConnell,	Thompson, of Spencer,
Givan,	North,	Thompson, of Elkhart,
Glasgow,	Odle,	Thayer,
Glazebrook,	Offutt,	Troutman,
Goble	Ogden,	Tulley,
Goudie,	Peed,	Walker,
Gronendyke,	Prentiss,	Willson, of Ripley,
Hardesty,	Pfrimmer,	Wilson, of Blackford,
Hatch,	Rudder,	Willard,
Heller,	Reno,	Wesner,
Henderson,	Reeves,	Wolfin,
Hedrick,	Riggs,	Woollen,
Hollingsworth,	Richardson,	Wood,
Hoyer,	Rumsey,	Woodard,
Isenhower,	Satterwhite,	Whitworth,
Johnson,	Schmuck,	Wynn,
Kimball,	Scott,	Mr. Speaker—90.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon Mr. Ogden offered the following amendment:

“And saving from the operation of this act all companies the line of whose works is sixteen miles in length and under.”

Which amendment was adopted.

The question being, shall the title of the bill as amended stand as the title of the bill?

It was so ordered.

On motion of Mr. Cauthorn,

Senate Bill No. 51 was taken up and read a first time.

Mr. Cauthorn moved to suspend the constitutional rule, have the bill read a second time by title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended? ...

Those who voted in the affirmative were, Messrs.

Anderson,	Goble,	Richardson,
Baker,	Goudie,	Riggs,
Baxter,	Gronendyke,	Rudder,
Billingsley,	Hatch,	Rumsey,
Blocher,	Hedrick,	Schmuck,
Branham,	Heller,	Scott,
Brett,	Henderson,	Shirley,
Broadus,	Hollingsworth,	Shutt,
Buskirk,	Hoyer,	Smith,
Butterworth,	Isenhower,	Stanley,
Butts,	Johnson,	Strange,
Cauthorn,	Kimball,	Teter,
Clark,	King,	Thayer,
Claypool,	Kirkpatrick,	Tingley,
Cline,	Lenfesty,	Thompson, of Elkhart,
Cobb,	Martin,	Thompson, of Spencer,
Coffman,	McConnell,	Troutman,
Cole,	McKinney,	Tulley,
Crumpacker,	Mellett,	Wesner,
Dial,	Miller,	Whitworth,
Durham,	North,	Willard,
Eaton,	Odle,	Wilson, of Blackford,
Edwards, of Lawrence,	Offutt,	Willson, of Ripley,
Ellsworth,	Ogden,	Wolfin,
Eward,	Peed,	Wood,
Furnas,	Pfrimmer,	Woodard,
Gifford,	Prentiss,	Woollen,
Given,	Reeves,	Wynn,
Glasgow,	Reno,	Mr. Speaker—87.
Glazebrook,		

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Goudie,	Rumsey,
Baker,	Gronendyke,	Satterwhite,
Baxter,	Hatch,	Schmuck,
Billingsley,	Hedrick,	Scott,
Blocher,	Heller,	Shirley,
Branham,	Henderson,	Shutt,
Brett,	Hollingsworth,	Smith,
Buskirk,	Hoyer,	Stanley,
Butts,	Isenhower,	Strange,
Cauthorn,	Kimball,	Teter,
Clark,	King,	Thayer,
Claypool,	Kirkpatrick,	Tingley,
Cline,	Lenfesty,	Thompson, of Elkhart,
Cobb,	Martin,	Thompson, of Spencer,
Coffman,	McConnell,	Troutman,
Cole,	McKinney,	Tulley,
Crumpacker,	Miller,	Walker,
Dial,	North,	Wesner,
Durham,	Odle,	Whitworth,
Eaton,	Offutt,	Willard,
Edwards, of Lawrence,	Ogden,	Wilson, of Blackford,
Ellsworth,	Peed,	Wilson, of Ripley,
Eward,	Pfrimmer,	Wolflin,
Furnas,	Reeves,	Wood,
Gifford,	Reno,	Woodard,
Givan,	Richardson,	Woolen,
Glasgow,	Riggs,	Wynn,
Glazebrook,	Rudder,	Mr. Speaker—85.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Cauthorn called up Senate Bill No. 52.

Which was read a first time.

Mr. Cauthorn moved to suspend the constitutional rule, have the bill read a second time by its title, considered as engrossed, read a third time by section, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Hatch,	Satterwhite,
Baker,	Hedrick,	Schmuck,
Baxter,	Heller,	Scott,
Billingsley,	Henderson,	Shirley,
Blocher,	Hollingsworth,	Shutt,
Branham,	Hoyer,	Smith,
Brett,	Isenhower,	Stanley,
Butts,	Kimball,	Strange,
Cauthorn,	King,	Teter,
Clark,	Kirkpatrick,	Thayer,
Claypool,	Lenfesty,	Tingley,
Cline, *	Martin,	Thompson, of Elkhart,
Cobb, †	McConnell,	Thompson, of Spencer,
Coffman,	McKinney,	Troutman,
Cole,	Miller,	Tulley,
Crumpacker,	North-	Walker,
Dial,	Odle,	Wesner,
Eaton,	Offutt,	Whitworth,
Edwards, of Lawrence,	Ogden,	Willard,
Ellsworth,	Pfrimmer,	Wilson, of Blackford,
Eward,	Prentiss,	Willson, of Ripley,
Furnas,	Reeves,	Wolflin,
Glasgow,	Reno,	Wood,
Glazebrook,	Richardson,	Woodard,
Goudie,	Riggs,	Woollen,
Gronendyke,	Rudder,	Wynn,
Hardesty,	Rumsey,	Mr. Speaker—81.

No one voting in the negative.

So the constitutional rule was suspended, and the bill read a second time by its title.

Whereupon Mr. Cauthorn offered the following amendment:

MR. SPEAKER:

I move that Senate Bill No. 52, districting the State for supreme judges, be amended as follows:

The first section by striking out the county of "Parke" and inserting the county of "Vigo." The third section by striking out the county of "Vigo" and inserting the county of "Parke."

Mr. Woodard moved to lay the amendment on the table.

Which motion prevailed.

The bill was then read a third time by sections and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Givan,	North,
Baker,	Glasgow,	Odle,
Baxter,	Glazebrook,	Offutt,
Billingsley,	Goudie,	Ogden,
Blocher,	Gronendyke,	Pfrimmer,
Branham,	Hardesty,	Prentiss,
Brett,	Hatch,	Reeves,
Butis,	Hedrick,	Reno,
Cauthorn,	Heller,	Richardson,
Clark,	Henderson,	Riggs,
Claypool,	Hollingsworth,	Rudder,
Cobb,	Hoyer,	Rumsey,
Coffman,	Isenhower,	Satterwhite,
Cole,	Jones,	Schmuck,
Crumpacker,	Kimball,	Scott,
Durham,	King,	Shirley,
Eaton,	Kirkpatrick,	Shutt,
Edwards, of Lawrence,	Lenfesty,	Smith,
Ellsworth,	Lent,	Strange,
Eward,	Martin,	Teter,
Furnas,	McConnell,	Thayer,
Gifford,	Miller,	Tingley,

Thompson, of Elkhart, Whitworth,	Wood,
Thompson, of Spencer, Willard,	Woodard,
Troutman,	Willson, of Ripley, Woollen,
Tulley,	Wilson, of Blackford, Wynn,
Walker,	Wolfin,
Wesner,	Mr. Speaker—82.

Those who voted in the negative were, Messrs.

Cline,	McKinney,	Peed,
		Stanley—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The Speaker called Mr. Offutt to the chair.

Mr. Cauthorn introduced

House Bill No. 226. A bill for an act to amend section 435 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and declaring an emergency.

Which bill was read a first time and referred to the committee on the judiciary.

The Speaker took the chair.

The Speaker announced the following select committee in compliance to a resolution of the House, to inquire what legislation if any, is necessary to protect counties, towns and cities against excessive or improvident taxation :

Messrs. Edwards, of Lawrence, Brett, King and Offutt.

Mr. Woollen offered the following resolution, accompanied with

a petition from the Prosecuting Attorney of the Sixth Judicial Circuit in relation to the suit on the relation of the State of Indiana, now pending against the Terre Haute & Indianapolis Railroad Company.

WHEREAS, There is a suit pending in the Putnam Circuit Court, on the relation of the State against the Terre Haute & Indianapolis Railroad Company, for the purpose of having its franchises declared forfeited on the ground of certain violations of its charter, and

WHEREAS, The said railroad company has petitioned the General Assembly to cause said suit to be discontinued, and the Prosecuting Attorney of the Sixth Judicial Circuit, in which the county of Putnam is situated, has filed his petition also remonstrating against said dismissal, now therefore,

Resolved, That the Judiciary Committee be instructed to inquire into the truth of the matters alleged in said suit, and report the results of such investigation to this House, with whatever recommendation they may deem proper.

Which was adopted, and the petition referred to the committee on the judiciary.

The joint committee on enrolled bills, submitted the following report.

MR. SPEAKER :

Your committee on enrolled bills would report that they presented Senate Bill No. 38, entitled an act supplemental to an act approved February 25, 1865, entitled "An act appointing commissions to sell real estate," etc., to the Governor for his signature, this 11th day of December, 1872.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER :

Your committee on enrolled bills would report that they have presented Enrolled Senate Bill No. 8, entitled "An act to provide

for the holding of courts," etc., to the Governor for his signature, this 11th day of December, 1872.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills have presented Enrolled Senate Bill No. 124, entitled "An act to define the salary of the Governor," etc., to the Governor for his signature, this 11th day of December, 1872.

Mr. Woodard offered the following resolution :

WHEREAS, According to a report by the Auditor of State there has been expended, in the last eight years, \$150,000 more than was actually necessary for public printing, and

WHEREAS, There is a bill in the hands of the committee on printing abolishing the office of State Printer and making other provisions ; therefore, be it

Resolved, That said committee be required to report without delay said bill back to the House for its action thereon.

Pending which,

On motion of Mr. Walker,

The House adjourned until 9 o'clock to-morrow morning.

THURSDAY MORNING.

DECEMBER 12, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

Prayer was offered by Mr. Clark, member of the House of Representatives from Hamilton county.

The Journal of yesterday was read in part, when

On motion,

The further reading of the same was dispensed with.

Mr. Kimball, chairman of the committee on ways and means, submitted the following report:

MR. SPEAKER:

The committee on ways and means, to whom House Bill No. 163, providing for the assessment and collection of taxes, was recommended, beg leave to make the following report:

1. Section sixty-two shall be amended as follows: "*Provided*, That the shares of capital stock of national banks, and of the bank of the State and branches shall not be listed for taxation for municipal purposes until the charter of the bank of the State of Indiana expires, on October 1st, 1876."

2. Line forty in the form of schedule, section forty-nine shall read as follows: "Number of mules, jacks and jennetts, and value."

Mr. Branham offered the following amendment :

MR. SPEAKER :

I move to strike out so much of the amendments proposed to House Bill No. 163, as relates to national banks.

Which was adopted.

Mr. Woollen offered the following amendment :

MR. SPEAKER :

I move to strike out all of the proviso remaining as recommended by the committee, leaving the said 62d section as it stands in the original bill.

Which was adopted.

Which report of the committee, as amended, was concurred in.

Mr. Satterwhite offered the following amendments :

AMENDMENTS TO REVENUE LAW.

Additional paragraph to section fifty-seven :

“ It shall be the duty of the President, or other principal officer, of any private bank in this State to make out, in addition to the other property required to be listed by this act, a statement under oath, showing the amount of property and the name and residence of the owner or owners thereof, and the proportionate part or share of such capital owned by each, and the par and cash value thereof, which share shall be assessed against such person the same as other personal property, and without allowing deductions therefrom, and the same shall be entered up for taxation accordingly.

The affidavit to schedule in section 49 shall be amended as follows :

The words, “ excepting property not taxable or otherwise specifically taxed ” shall follow the words, “ all personal property held or belonging to me.”

Which amendments were not adopted.

On motion of Mr. Branham,

The bill was considered as engrossed, read a third time and put upon its passage.

Mr. Baker asked for a call of the House.

Those who answered to their names were, Messrs.

Anderson,	Gondie,	Riggs,
Baker,	Gronendyke,	Rudder,
Billingsley,	Hardesty,	Rumsey,
Blocher,	Hatch,	Satterwhite,
Bowser,	Henderson,	Scott,
Branham,	Hollingsworth,	Shirley,
Brett,	Isenhower,	Shutt,
Broadus,	Johnson,	Smith,
Butterworth,	Jones,	Stanley,
Butts,	Kimball,	Strange,
Cauthorn,	Kirkpatrick,	Teeter,
Clark,	Lenfesty,	Tingley,
Claypool,	Martin,	Thompson, of Elkhart,
Cline,	McConnell,	Thompson, of Spencer,
Cobb,	McKinney,	Walker,
Coffman,	Miller,	Wesner,
Cole,	North,	Whitworth,
Cowgill,	Odle,	Willard,
Crumpacker,	Offutt,	Willson, of Ripley,
Dial,	Ogden,	Wilson, of Blackford,
Durham,	Peed,	Wolflin,
Edwards, of Lawrence,	Pfrimmer,	Wood,
Ellsworth,	Prentiss,	Woodard,
Eward,	Reeves,	Woollen,
Gifford,	Reno,	Wynn,
Glazebrook,	Richardson,	Mr. Speaker—84.
Goble,		

On motion of Mr. Cauthorn,

Further proceedings under the call were dispensed with.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Goble,	Reno,
Baker,	Goudie,	Richardson,
Billingsley,	Gronendyke,	Riggs,
Blocher,	Hardesty,	Rudder,
Bowser,	Hatch,	Rumsey,
Branham,	Hedrick,	Satterwhite,
Brett,	Henderson,	Schmuck,
Broadbush,	Hollingsworth,	Scott,
Butterworth,	Isenhower,	Shirley,
Butts,	Johnson,	Shatt,
Cauthorn,	Jones,	Smith,
Clark,	Kimball,	Stanley,
Claypool,	Kirkpatrick,	Strange,
Cobb,	Lenfesty,	Teeter,
Coffman,	Martin,	Tingley,
Cole,	McConnell,	Thompson, of Elkhart,
Cowgill,	McKinney,	Thompson, of Spencer,
Crumpacker,	Melletts,	Troutman,
Dial,	Miller,	Walker,
Durham,	North,	Wesner,
Edwards, of Lawrence,	Odle,	Whitworth,
Ellsworth,	Offutt,	Willard,
Eward,	Ogden,	Wilson, of Blackford,
Furnas,	Peed,	Willson, of Ripley,
Gifford,	Pfrimmer,	Wolflin,
Givan,	Prentiss,	Wynn,
Glasgow,	Reeves,	Mr. Speaker—85.
Glazebrook,		

Messrs. Baxter and Cline voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to herewith transmit to the House of Representatives, for the signature of the Speaker thereof, the following Enrolled Act of the Senate, to wit:

Enrolled Act No. 85. Entitled an act to provide for the payment of sundry bonds or stocks of the State of Indiana, issued prior to the year 1841, and declaring an emergency.

Also, I am directed to transmit to the House of Representatives, for the signature of the Speaker thereof,

Enrolled Senate Joint Resolution No. 3. Entitled a joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.

Also, I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Engrossed Bill of the House, to wit:

Engrossed House Bill No. 70. A bill to enable counties bordering on the State lines or rivers forming the State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other States, to run to such counties, or to the State lines or rivers forming the State boundary bordering such counties, or to form connection with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency; and the same is herewith transmitted to the House.

The Speaker announced that he had signed Enrolled Senate Joint Resolution No. 2, and also Enrolled Senate Act No. 85.

Mr. Gifford introduced

House Bill No. 228. A bill providing for the payment to township trustees of all moneys which shall have been collected from

townships for either general, special or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing the punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith.

Which was read a first time and referred to the committee on rights and privileges.

Mr. Walker offered the following resolution :

Resolved, That as the committee heretofore appointed on warming and ventilating this house has taken no action or made any report thereon, that another committee be appointed, whose duty it shall be to warm up and ventilate said committee.

Which was adopted.

On motion of Mr. Offutt, the resolution was referred to a select committee of one.

Whereupon, the Speaker appointed Mr. Walker as such committee.

Mr. Kirkpatrick introduced

House Bill No. 228. To amend the third section of an act entitled "An act relative to the disabilities of circuit judges to hold and discharge the duties of their offices, and providing for the appointment of judges *pro tem* during the disability of said judge."

Which was read a first time and referred to the committee on the judiciary.

Mr. Canthorn offered the following resolution :

Resolved, That the Speaker be, and is hereby authorized to issue his warrant upon the Auditor of State for the amount of the claims of William M. Merwin and C. S. McDonald and D. H. Long, for services heretofore allowed by this House.

Which was adopted.

The resolution of Mr. Woodard, offered upon yesterday, in relation the State Printing, was taken up.

On motion of Mr. Branham, the committee on public printing was granted leave of absence until to-morrow morning at 9 o'clock, with instructions to report on the printing bills now in their possession. Until such report be made the further consideration of Mr. Woodards resolution was postponed.

House Bill No. 108, was taken up,

And on motion of Mr. Satterwhite,

Was recommitted to the committee on banks, with instructions to amend as follows:

SEC. 31. It shall not be lawful for the trustees of any savings bank to declare or allow dividends on any deposits for a longer period than the same has been deposited, except that deposits made not later than the 10th days of January, April, July, and October, in each year, may, unless prohibited by the by-laws of the bank, have dividends declared upon them, the same as though deposited on the first days of either of those months specifically, and no dividends shall be paid unless upon money upon deposits when the same are declared: *Provided*, that the trustees may in their discretion, allow dividends upon moneys that shall have been on deposit, but which shall have been withdrawn prior to the regular times for declaring dividends.

Engrossed House Bill No. 90, was taken up and read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Brett,	Crumpacker,
Baker,	Cauthorn,	Dial,
Baxter,	Clark,	Durham,
Billingsley,	Claypool,	Eaton,
Blocher,	Cline,	Edwards, of Lawrence,
Bowser,	Coffman,	Ellsworth,

Eward,	McKinney,	Strange,
Furnas,	Mellett,	Teeter,
Gifford,	Miller,	Thayer,
Givan,	North,	Tingley,
Glasgow,	Odle,	Thompson, of Elkhart,
Glazebrook,	Offutt,	Thompson, of Spencer,
Goble,	Ogden,	Troutman,
Gondie,	Peed,	Tulley,
Gronendyke,	Prentiss,	Walker,
Hardesty,	Reeves,	Wesner,
Hedrick,	Reno,	Whitworth,
Heller,	Richardson,	Willard,
Henderson,	Rudder,	Wilson, of Blackford,
Hollingsworth,	Runsey,	Willson, of Ripley,
Isenhower,	Satterwhite,	Wolflin,
Jones,	Schmuck,	Wood,
Kimball,	Scott,	Woodard,
Kirkpatrick,	Shirley,	Woollen,
Lenfesty,	Shutt,	Wynn
Martin,	Smith,	Mr. Speaker—80.
McConnell,	Stanley,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House [Bill No. 64 was taken up, read a third time and put upon its passage.]

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Butterworth,	Crumpacker,
Bowser,	Cauthorn,	Dial,
Branham,	Claypool,	Durham,
Brett,	Cline,	Eaton,
Buskirk,	Coffman,	Edwards, of Lawrence,

Ellsworth,	Miller,	Stanley,
Givan,	Odle,	Strange,
Glazebrook,	Peed,	Thayer,
Goble,	Reeves,	Thompson, of Elkhart,
Goudie,	Richardson,	Thompson, of Spencer,
Hardesty,	Riggs,	Troutman,
Hatch,	Rudder,	Tulley
Heller,	Rumsey,	Whitworth,
Henderson,	Satterwhite,	Willard,
Isenhower,	Schnuck,	Wood,
Jones,	Shirley,	Woolfen,
Kirkpatrick,	Shutt,	Wynn,
Lenfesty,	Smith,	Mr. Speaker—55.
Mellet,		

Those who voted in the negative were, Messrs.

Baker,	Glasgow,	Pfrimmer,
Baxter,	Gronendyke,	Prentiss,
Billingsley,	Hedrick,	Reno,
Blocher,	Hollingsworth,	Scott,
Butts,	King,	Teter,
Clark,	Martin,	Tingley,
Cobb,	McConnell,	Wesner,
Cole,	McKinney,	Wilson, of Blackford,
Eward,	North,	Wolfli,
Furnas,	Offutt,	Woodard—32.
Gifford,	Ogden,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 112 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs.

Anderson,	Givan,	Reeves,
Baker,	Glasgow,	Reno,
Baxter,	Goudie,	Richardson,
Billingale,	Gronendyke,	Riggs,
Blocher,	Hardesty,	Rudder,
Bowser,	Hatch	Rumsey,
Branham,	Hedrick,	Satterwhite,
Brett,	Heller,	Schmuck,
Broadus,	Henderson,	Scott,
Butterworth,	Hollingsworth,	Shirley,
Butts,	Isenhower,	Shutt,
Canthorn,	Jones,	Smith,
Clark,	Kimball,	Stanley,
Claypool,	King,	Strange,
Cline,	Kirkpatrick,	Teeter,
Cobb,	Lenfesty,	Tingley,
Coffman,	Martin,	Thompson, of Spencer,
Cole,	McConnell,	Troutman,
Cowgill,	McKinney,	Tulley,
Crumpacker,	Melletts,	Wesner,
Dial,	Miller,	Whitworth,
Durham,	North,	Wilson, of Blackford,
Eaton,	Odle,	Willson, of Ripley,
Edwards, of Lawrence,	Offutt,	Wolfin,
Ellsworth,	Ogden,	Wood,
Eward,	Peed,	Woodard,
Furnas,	Pfimmer,	Wynn,
Gifford,	Prentiss,	Mr. Speaker—87.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

By consent of the House, Mr. Strange introduced

House Bill No. 229. An act to provide for furnishing a copy of

the statutes of Indiana (Gavin and Hord's edition), to each acting Justice of the Peace in the State.

Which was read a first time and referred to the committee on public expenditures.

The committee on the judiciary was granted leave of absence until to-morrow morning.

Mr. Wolfen was granted leave of absence until Monday next.

House Bill No. 134 was, on motion, re-committed to the select committee on soldiers' monument.

On motion of Mr. Butterworth,

The House adjourned until to-morrow morning at 9 o'clock.

MONDAY MORNING,

DECEMBER 13, 1872, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The Journal of yesterday was read in part, when,

On motion of Mr. Tulley,

The further reading of the same was dispensed with.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 178, entitled an act to amend section seventy-seven of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17th, 1852, approved December 20th, 1865, have had the same under consideration, and direct me to report the same back to the House and recommend its passage.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Walker, chairman of the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 13, entitled "An act repealing section one of an act, entitled 'An act prescribing the duties and fixing the compensation of State Agent,' approved June 7, 1852, and requiring the Secretary of State to perform the duties of said agent, have

had the same under consideration and directed me to report the same back to the House, and recommend that the same be indefinitely postponed, as the subject of said bill was embraced in Senate Bill No. —, which has passed this House.

Which report was concurred in and the bill indefinitely postponed.

Mr. Ogden, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 188, entitled " An act to amend section 433 of an act, entitled an act to revise, simplify and abridge the rules, practice pleadings and forms in civil cases in the courts of this State to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration and have instructed me to report the same back to the House with a recommendation that it pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Shirley, from the committee on the judiciary, submitted the following report :

MR. SPEAKER :

The committee on the judiciary to whom was referred House Bill No. 216, have had the same under consideration, and direct me to report that in the opinion of the committee, the subject matter of said bill is already embraced in the statutes, and need no further legislation, they therefore recommend the indefinite postponement of the bill.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Shirley, from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

The committee on the judiciary have had under consideration House Bill No. 204. An act to legalize sales by guardians under order defective, in not prescribing notice, and without finding that it would promote the interest of the wards estates by dispensing with such notice made by the Common Pleas Courts of this State, and report the same back the House, recommending that the same be indefinitely postponed.

On motion of Mr. Miller,

The report was laid on the table.

On motion,

Mr. Richardson's House Bill No. 157, was taken from the table.

Mr. Richardson moved to recommit the bill to the committee on the organization of courts.

Mr. Miller offered the following amendment:

Recommit to the committee on organization of courts, with the following instructions.

Strike out all of section one.

Which amendment was not adopted.

The motion of Mr. Richardson to recommit the bill to the committee on the organization of courts prevailed, and the bill was so recommitted.

Mr. Edwards, of Lawrence, chairman of the committee on elections, submitted the following report.

MR. SPEAKER:

Your committee on elections, to whom was referred House Bill No. 183, an act entitled "An act to divide the State into congressional districts," have had the same under consideration and report the same back to the House with the following amendment:

Strike out the county of Pike in section three, and insert the same in section four.

When so amended your committee recommend that it be put upon its passage.

Which report was concurred in.

On motion of Mr. Givan, the bill was laid on the table, and two hundred copies ordered to be printed.

Mr. Isenhower asked leave to submit the following minority report:

MR. SPEAKER:

The undersigned members of the committee on elections, to whom was referred House Bill No. 183, to re-district the State of Indiana for congressional purposes, would beg leave to submit the following minority report, to wit:

They recommend that said bill be indefinitely postponed.

M. L. MARTIN,
JAMES W. WHITWORTH,
J. R. ISENHOWER.

The following message was received from the Senate, by the Secretary, thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the following engrossed amendments to the title of Senate Bill No. 1, to wit:

"And saving from the operations of this act, all companies, the line of whose works are sixteen miles in length and under."

MR. SPEAKER:

I am directed by the Senate to herewith transmit to the House of Representatives, for the signature of the Speaker thereof, the following enrolled act of the Senate, to wit:

Enrolled Senate Act No. 141. Entitled an act in relation to the funded debt of the State of Indiana therein mentioned.

The Speaker announced that he had signed Enrolled House Joint Resolution No. 2; also, Enrolled House Act, No. 70, and Enrolled Senate Act No. 141.

Mr. Johnson, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary, to whom was referred House Bill 215, entitled an act to create the — Judicial Circuit to authorize the appointment of a Judge and Prosecuting Attorney therefor, and fix the time of holding courts therein, and to transfer the county of Union from the Twenty-sixth Circuit to the Fourth Circuit, have had said bill under consideration and recommend that it be referred to the committee on the organization of courts.

Which report was concurred in.

Mr. Johnson, from the committee on the judiciary, submitted the following report:

MR. SPEAKER:

Your committee on the judiciary to whom was referred House Bill No. 20, entitled "An act concerning contracts wherein the obligor agrees to pay the fees of plaintiff's attorney if sued upon," have carefully considered said bill and recommend that the same be indefinitely postponed.

Which report was concurred in and the bill indefinitely postponed.

Mr. Johnson, from the committee on the judiciary submitted the following report:

MR. SPEAKER:

Your committee on the judiciary to whom was referred House Bill No. 150, entitled "An act to repeal section two of an act entitled 'An act defining certain misdemeanors and prescribing punishment therefor,'" approved December 2, 1865, have had said bill under consideration and recommend that said bill be indefinitely postponed.

Which report was concurred in and the bill indefinitely postponed.

Mr. Shirley, from the committee on organization of courts, submitted the following report:

MR. SPEAKER:

The committee on organization of courts have had under consideration House Bill No. 223, an act defining what counties shall constitute the Thirtieth Judicial Circuit and fixing the time of holding courts therein, providing for the return of process, declaring a vacancy in the office of Judge and declaring an emergency, report the same back to the House with a recommendation that the same be passed.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Offutt, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House Bill 218, have had the same under consideration, and directed me to report the same back to the House with the recommendation that it pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Glasgow, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House Bill No. 206, a bill to amend section one of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the judges thereof," approved May 13th, 1852, have had the same under consideration, and direct me to report it back and recommend that it be laid on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Glasgow, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House Bill No. 194, an act entitled an act repealing section eighteen of an act entitled "An act regulating descents and the apportionment of estates," approved May 14th, 1852, and declaring an emergency, have had the same under consideration, and have directed me to report the same back with the recommendation that it be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Satterwhite, chairman of the committee on banks, submitted the following report:

MR. SPEAKER:

Your committee on banks, to whom was re-committed House Bill No. 198, with instructions to insert proposed amendment in place of section thirty-one, have had the same under consideration, and respectfully recommend that the same, as so amended, be passed.

Which report was concurred in, and the amendment adopted.

The bill was read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cline,	Gifford,
Baxter,	Coffman,	Glasgow,
Billingsley,	Cowgill,	Gronendyke,
Bowser,	Crumpacker,	Hatch,
Branham,	Dial,	Hedrick,
Broadbus,	Eaton,	Henderson,
Clark,	Edwards, of Lawrence,	Hoyer,
Claypool,	Ellsworth,	Johnson,

Jones,	Prentiss,	Tingley,
Kimball,	Richardson,	Thompson, of Spencer,
King.	Riggs,	Troutman,
Lenfesty,	Satterwhite,	Wilson, of Blackford
Melletts,	Scott,	Woollen,
Odle,	Strange,	Wynn—44.
Ogden,	Thayer,	

Those who voted in the negative were, Messrs.

Baker,	McConnell,	Stanley,
Blocher,	McKinney,	Teter,
Butts,	North,	Tulley,
Durham,	Offutt,	Walker,
Givan,	Peed,	Whitworth,
Glazebrook,	Pfrimmer,	Wood,
Goble,	Reno,	Woodard,
Heller,	Rudder,	Mr. Speaker—26.
Martin,	Smith,	

So the bill did not pass for the want of constitutional majority.

Mr. Broadbuss, chairman of the committee on engrossed bills, submitted the following report :

MR. SPEAKER :

The committee on engrossed bills have examined Engrossed House Bills Nos. 136, 164, 169 and 170, with the original copies and find the same correctly engrossed.

Mr. Brett was granted leave of absence until Monday next.

Mr. Lenfesty presented a petition from various citizens of Grant county, on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Hatch, chairman of the committee on the affairs of the city of Indianapolis, submitted the following report :

MR. SPEAKER :

Your committee to whom was referred House Bill No. 219, an

act to regulate the sale of drugs and medicines, and fixing the penalty for violation of the same, have had the same under consideration, and report the same back to the House, with the following amendment to section to wit :

After the words "red label," add the words "and said label shall have printed or written upon it the words for external use," and after the words "light colored and," add the words "and said label shall have printed or written upon it the words, "for internal use," and that when said bill is so amended, your committee respectfully recommend its passage.

Which report was concurred in, and the bill read a second time.

Mr. Miller offered the following amendment :

MR. SPEAKER :

I move to amend House Bill No. 219, by striking out the emergency clause.

Which amendment was adopted, and the bill as amended ordered to be engrossed.

Mr. Gifford, chairman of the committee on cities and towns, submitted the following report :

MR. SPEAKER :

The committee on cities and towns, to whom was referred House Bill No. 100, have had the same under consideration, and have instructed me to report the same back, with a recommendation that said bill lie on the table, and that two hundred copies be printed for the use of the House.

Which report was concurred in, the bill laid on the table, and 200 copies ordered to be printed for the use of the members of the House.

Mr. Gifford, chairman of the committee on cities and towns, submitted the following majority report :

MR. SPEAKER :

The committee on cities and towns, to whom was recommitted

House bill No. 99, have had the same under consideration and have instructed me to report the same back with the following amendment: Strike out the word "ten" and insert in lieu thereof the word "two" per cent, and when so amended, recommend that it pass.

Mr. Miller, from the committee on cities and towns, submitted the following minority report:

MR. SPEAKER:

The undersigned members of your committee on cities and towns, to whom was referred House Bill No. 99, entitled "A bill to authorize incorporated cities containing a population of ten thousand or over, to effect loans and issue bonds," being unable to agree with the majority of the committee, as a minority report, would respectfully recommend that the same be indefinitely postponed.

Which minority report was concurred in and the bill indefinitely postponed.

Mr. Reeves, chairman of the committee on roads, submitted the following report:

MR. SPEAKER:

The committee on roads to whom was referred House Bill No. 192, have had the same under consideration and beg leave to report that the same be indefinitely postponed.

Which report was concurred in, and the bill indefinitely postponed.

Mr. Reeves, chairman of the committee on roads, submitted the following report:

MR. SPEAKER:

The committee, to whom was referred House Bill No. 145, have had the same under consideration and beg leave to report that the same lie on the table.

Which report was concurred in, and the bill laid on the table.

Mr. Reeves, chairman of the committee on roads, submitted the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the resolution as to the expediency of abolishing the office of District Supervisor and providing a Township Supervisor instead, have considered the subject and are of the opinion that legislation is inexpedient.

Which was concurred in.

Mr. King, chairman of the committee on railroads, submitted the following report:

MR. SPEAKER:

The committee on railroads to whom was referred House Bill No. 96, entitled "An act to repeal an act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and declaring an emergency, have had the same under consideration, and a majority of the committee direct that it be reported back with the recommendation that it pass.

On motion of Mr. Baker,

The bill was made a special order for Wednesday next at 2 o'clock P. M.

Mr. Baxter, chairman of the committee on reformatory institutions, submitted the following report:

MR. SPEAKER:

The committee to whom House Bill No. 210 was referred, entitled "A bill to amend the twentieth section of an act approved May 13, 1869, and entitled 'An act to establish a Female Prison and Reformatory Institution for girls and women, to provide for the organization government thereof and making an appropriation,'" report it back with the recommendation that the bill do pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Baxter, chairman of the committee on reformatory institutions, submitted the following report :

MR. SPEAKER :

The committee to whom was referred House Bill 211, being an act supplemental to an act, entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for organization and government thereof, and making appropriation," approved May 13, 1839, report back with a recommendation the words "fifty thousand," be inserted in the blank occurring in section one, and as so amended that the bill pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Hollingsworth, from the committee on reformatory institutions, submitted the following report :

MR. SPEAKER :

The committee to whom was referred House Bill No. 212, entitled "An act defining the misdemeanor of keeping houses of ill-fame, the renting and leasing property to be used as a house of ill-fame, and prescribing penalties therefor, and prescribing certain rules of evidence in prosecutions of offenses," report it back with the recommendation that section one read as follows :

Section one. *Be it enacted by the General Assembly of the State of Indiana*, that any person who shall get any part of his or her livelihood by keeping openly or covertly any building, house, room, tenement, shed, or premises of any description for the practice of illicit sexual intercourse between males and females, shall be deemed guilty of keeping a house of ill-fame, and shall be fined not less than twenty-five, nor more than two hundred dollars, and be imprisoned not less than three months, nor more than two years, if a male, in the county jail, and if a female, in the Indiana Reformatory Institute for women and girls, and that it do pass as so amended.

Which report was concurred in, the amendment adopted, the bill read a second time and ordered to be engrossed.

Mr. Mellett, from the special committee to whom was referred the
H. J.—29

subject of warming and ventilating the House, submitted the following report :

MR. SPEAKER :

The special committee to consider means for ventilating and heating the Hall report and recommend as follows :

First. They find the flues for the supply of heated air have not been cleaned for a number of years, and have all that time been open for the reception of cigar stubs, tobacco quids, tobacco juice and such other articles as gentlemen may wish to deposit, and they recommend that such flues be taken down and thoroughly renovated.

Second. The air heated for the Hall is introduced from the damp and vitiated atmosphere of the basement which is surcharged with carbonic acid gas and laden with poison. The committee recommend that supply tubes of sufficient capacity, communicating with the fresh air without the building, be introduced to the hot air chambers of the heaters.

Third. The committee find also that the means of escape of vitiated air from the Hall are entirely insufficient, and that at least four new escape flues should be constructed.

The committee have referred the improvements proposed to a competent architect, Mr. Hodgson, and find the same can be made at a cost of about \$400.00.

In view of the fact that the occupancy of the Hall in its present condition is courting disease and death, your committee recommend the proposed improvements to be made immediately, and that the contract therefor be let at once to the lowest and best bidder.

A. C. MELLETT,
L. D. GLAZEBROOK,
T. N. JONES,
DR. SATTERWHITE,
E. S. LENFESTY,
J. H. WILLARD,

Special committee on ventilating and heating the Hall.

Which report was concurred in.

Mr. Peed, chairman of the committee to whom was referred House Bill No. 2, submitted the following report:

MR. SPEAKER:

The special committee to whom was referred House Bill No. 2, being an act to change the time of holding the Circuit Court in the Third Judicial Circuit, have had the same under consideration, and have directed me to report the same back to the House, with the following amendment:

That section 1 of said bill be amended to read as follows:

Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of the Third Judicial Circuit Court, shall be held as follows:

In the county of Gibson. On the third Monday of January and July.

In the county of Knox. On the Mondays succeeding the courts in the county of Gibson.

In the county of Davis. On the Mondays succeeding the courts in the county of Knox.

In the county of Martin. On the Mondays succeeding the courts in the county of Daviess.

In the county of Dubois. On the Mondays succeeding the courts in the county of Martin.

In the county of Pike. On the Mondays succeeding the courts in the county of Dubois.

And when so amended, your committee recommend its passage?

Which report was concurred in, the amendment adopted, the bill read a second time.

Mr. Peed moved to suspend the constitutional rule, that the bill be considered as engrossed, read a third time, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Hedrick,	Rumsey,
Baker,	Heller,	Satterwhite,
Baxter,	Henderson	Scott,
Billingsley,	Hollingsworth,	Shirley,
Blocher,	Isenhower,	Shutt,
Bowser,	Johnson,	Smith,
Broadbudd,	Jones,	Stanley,
Butterworth,	Kimball,	Strange,
Clark,	King,	Teeter,
Claypool,	Kirkpatrick,	Thayer,
Cline,	Lenfesty,	Tingley,
Cobb,	Lent,	Thompson, of Elkhart,
Coffman,	Martin,	Thompson, of Spencer,
Cole,	McConnell,	Troutman,
Cowgill,	McKinney,	Tulley,
Crumpacker,	Mellett,	Walker,
Durham,	Miller,	Wesner,
Edwards, of Lawrence,	North,	Whitworth,
Ellworth,	Odle,	Wilson, of Blackford,
Eward,	Offutt,	Willson, of Ripley.
Furnas,	Peed,	Wolflin,
Gifford,	Prentiss,	Wood,
Givan,	Roeves,	Woodard,
Glasgow,	Richardson,	Woollen,
Gronendyke,	Riggs,	Wynn,
Hatch,	Rudder,	Mr. Speaker—77.

Mr. Ogden voting in the negative.

So the constitutional rule was suspended, the bill considered as engrossed, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Branham,	Claypool,
Baker,	Broadbudd,	Cline,
Baxter,	Butterworth,	Coffman,
Billingsley,	Butts,	Cole,
Blocher,	Clark,	Cowgill,

Crumpacker,	Kirkpatrick,	Scott,
Dial,	Lenfesty,	Shirley,
Durham,	Lent,	Shutt,
Eaton,	Martin,	Smith,
Edwards of Lawrence,	McConnell,	Stanley,
Ellsworth,	McKinney,	Strange,
Furnas,	Mellett,	Teeter,
Gifford,	Miller,	Thayer,
Givan,	North,	Tingley,
Glasgow,	Odle,	Thompson, of Elkhart,
Gronendyke,	Offutt,	Thompson, of Spencer,
Hatch,	Ogden,	Troutman,
Hedrick,	Peed,	Tulley,
Heller,	Pfrimmer,	Walker,
Henderson,	Prentiss,	Wesner,
Hollingsworth,	Reeves,	Wilson, of Blackford,
Isenhower,	Reno,	Wood,
Johnson,	Richardson,	Woodard,
Kimball,	Rudder,	Wynn,
King,	Satterwhite,	Mr. Speaker—75.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Engrossed bills thereof, to wit:

Engrossed Senate Bill No. 6. An act concerning the transportation of freight and passengers over railroads within this State, and repealing all laws in conflict with this act, and prescribing penalties for the violation thereof, and declaring an emergency.

Also, Engrossed Senate Bill No. 3. Entitled an act to amend section four of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency.

Also, Engrossed Senate Bill No. 68. A bill to amend the second section of an act entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process, and declaring an emergency.

Also, Engrossed Senate Bill No. 134. A bill to create the Twenty-sixth Judicial Circuit of the Court of Common Pleas, defining what counties shall compose the same, fixing the term of holding courts therein and the duration of the terms thereof, and making all process from the present Common Pleas Court therein returnable to such terms; providing for the appointment of a Judge and District Attorney for such District, declaring when the same shall take effect, and repealing all laws that are inconsistent therewith.

Also, Engrossed Senate Bill No. 5. Entitled a bill to require railroad companies to issue stock paid for by taxes voted for in the construction of railroads, to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency.

Also, Engrossed Senate Bill No. 10. Entitled an act to amend section fifty-eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities; prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Also, Engrossed House Bill No. 37. Entitled an act authorizing an appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe county, in

paying debts created by borrowing money for current expenses in the years 1870 and 1871, and declaring an emergency.

And the same is herewith transmitted to the House.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the Senate, to wit :

Engrossed Senate Bill No. 88. Entitled an act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the incorporation of such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements, and the expense attending the same upon those lands benefitted thereby, and for the collection of such assessments, and the same is herewith transmitted to the House of Representatives.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills would report that they have examined Enrolled House Bill No. 70, entitled "A bill to enable counties bordering on the State line," etc., and find that the same is correctly enrolled.

The joint committee on enrolled bills submit the following report :

MR. SPEAKER :

Your joint committee on enrolled bills would report that they have carefully examined Enrolled Joint Resolution No. 2 of the House, entitled "A Joint Resolution agreeing to and adopting an amendment proposed to the constitution by the last General Assembly," etc., and find that the same is correctly enrolled.

Mr. Kimball, chairman of the select committee, to whom was referred the subject of the soldiers' monument, submitted the following majority report.

MR. SPEAKER:

The select committee to whom was referred House Bill No. 124, to provide a State Monument, beg leave to make the following report:

Section 7 shall be amended to read as follows:

There is hereby appropriated the sum of seventy-five thousand dollars, to be expended under the direction of said board of managers in the construction of monument: *Provided*, that no more than one-third of the sum appropriated in this section, shall be expended in any one year, and no portion of the same shall be drawn from the treasury except on the order of the board of managers, approved by the Governor of the State: *And provided, further*, That before any portion of said money shall be drawn from the treasury, there shall be submitted, and one-third collected toward the construction of said monument, by private individuals or otherwise, to the satisfaction of said board of managers, the additional sum of thirty-five thousand dollars, contemplated in section 8.

NATHAN KIMBALL,
JAMES H. WILLARD,
W. H. EDWARD,
J. A. HATCH,
E. B. GLASGOW,
C. E. COWGILL,

Mr. Offutt, from the same select committee, submitted the following minority report:

MR. SPEAKER:

The undersigned, member of the select committee on the subject of the Soldier's Monuments, to whom was referred Engrossed House Bill No. 124, being unable, after considering said bill, to agree with the majority of said committee, beg leave to submit the following minority report, and recommend the adoption of the following

amendments to said bill, and when said bill is so amended, they recommend its passage:

First. Strike out the title and insert the following:

A bill for an act to appropriate one hundred thousand dollars to certain of the widows and orphans of deceased soldiers.

Second. Strike out the first section.

Third. Strike out all of the second section, and including the word monument, ending on the second line, and insert the following:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, for the use and benefit of such of the widows and orphans of deceased Indiana soldiers, as are now in actual need.

Fourth. Strike out the fifth section.

Fifth. Strike out the seventh section.

Sixth. Strike out the eighth section.

Seventh. Strike out the ninth section.

OFFUTT, Hancock county,
J. T. RICHARDSON, Carroll county,
BOWSER, Allen county.

Mr. Branham moved to lay the report and bill on the table.

Messrs. Branham and Kimball demanded the ayes and noes.

The question being, shall the report and bill be laid upon the table?

Those who voted in the affirmative were, Messrs.

Anderson,	Blocher,	Broadus,
Baker,	Bowser,	Butterworth,
Baxter,	Branham,	Butts,

Clark,	Isenhower,	Scott,
Coffman,	Jones,	Shutt,
Crumpacker,	Lenfesty,	Smith,
Dial,	Martin,	Stanley,
Durham,	McConnell,	Strange,
Eaton,	McKinney,	Teeter,
Furnas,	Mellett,	Thompson, of Elkhart,
Givan,	Miller,	Thompson, of Spencer,
Glazebrook,	North,	Troutman,
Goble,	Offutt,	Tulley,
Gregory,	Primmer,	Whitworth,
Hedrick,	Reno,	Wilson, of Blackford,
Heller,	Richardson,	Woodard,
Henderson,	Rudder,	Wynn—54.
Hollingsworth,		

Those who voted in the negative were, Messrs.

Billingsley,	Gronendyke,	Riggs,
Buskirk,	Hatch,	Shirley,
Cauthorn,	Johnson,	Thayer,
Cobb,	Kimball,	Tingley,
Cowgill,	King,	Walker,
Edwards, of Lawrence,	Kirkpatrick,	Wesner,
Ellsworth,	Lent,	Willard,
Eward,	Peed,	Wood,
Gifford,	Prentiss,	Woollen,
Glasgow,	Reeves,	Mr. Speaker—30.

So the motion prevailed, and the report and bill were laid upon the table.

The committee on enrolled bills submitted the following report :

MR. SPEAKER:

Your committee on enrolled bills have submitted Senate Bill No. 141, entitled "An act in relation to the funded debt," etc., to the Governor for his approval this 13th day of December, 1872.

Mr. Shirley offered the following resolution :

MR. SPEAKER:

WHEREAS, The committee on printing failed to report on House Bills Nos. 9 and 31, on this day, as required by order of this House, and have asked further time; and,

WHEREAS, A portion of the members of said committee, assert that it was agreed to report on this morning to the House, on House Bill No. 9: *Therefore*, it is ordered by this House, that said committee be and are hereby ordered to report on said House Bills Nos. 9 and 31, on the 16th day of December, at 2 o'clock P. M., and said bills be made the special order of the day, at said hour, 2 o'clock P. M., December 16, 1872.

Pending which, the House,

On motion,

Adjourned until 2 o'clock.

AFTERNOON SESSION, 2 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

The Speaker laid before the House a communication from the Auditor of State, in relation to the subject of insurance, in compliance with a resolution of the House, of the 22d instant.

Senate Bill No. 3 was taken up. An act to amend section 4 of an act, entitled, "An act concerning the organization and perpetuity of voluntary associations, and repealing an act, entitled, 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act,'" approved February 20, 1867, and declaring an emergency.

Which bill was read a first time and referred to the committee on corporations.

Senate Bill No. 5 was taken up. An act to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their railroad to the taxpayers or their assignees, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency.

Which bill was read a first time.

Mr. Woodard moved to suspend the constitutional rule, have the bill read a second time by title, a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Hedrick,	Riggs,
Barrett,	Heller,	Rudder,
Baxter,	Henderson,	Rumsey,
Billingsley,	Hoyer,	Schmuck,
Broadbua,	Isenhower,	Scott,
Butts,	Johnson,	Shirley,
Cauthorn,	Jones,	Shutt,
Clark,	Kimball,	Smith,
Claypool,	King,	Stanley,
Cline,	Kirkpatrick,	Teeter,
Coffman,	Lenfesty,	Tingley,
Cole,	McConnell,	Thompson, of Elkhart,
Crumpacker,	McKinney,	Thompson, of Spencer,
Durham,	Miller,	Tulley,
Ellsworth,	North,	Wesner,
Eward,	Offutt,	Whitworth,
Furnas,	Ogden,	Willson, of Ripley,
Gifford,	Peed,	Wood,
Givan,	Prentiss,	Woodard,
Glazebrook,	Reeves,	Woollen,
Goble,	Reno,	Wynn
Gronendyke,	Richardson,	Mr. Speaker—68.
Hatch,		

Those who voted in the negative were, Messrs.

Baker,	Glasgow,	Odle—5.
Dial,	Martin,	

So the constitutional rule was suspended and the bill read a second time by its title, whereupon,

On motion of Mr. Lenfesty,

The bill was referred to the committee on the judiciary.

Mr. Willson, of Ripley, from the committee on the judiciary, submitted the following report on House Bill No. 83, and substituted a bill in lieu thereof:

MR. SPEAKER:

Your committee on the judiciary to whom was referred House Bill No. 83, entitled "A bill for an act providing for the health and safety of persons employed in the coal mines of Indiana," have had the same under consideration and request me to report the accompanying bill as a substitute therefor, and your committee recommend the passage of such substitute.

House Bill No. 230, substituted in lieu of House Bill No. 83. An act regulating coal mines and the working thereof.

Mr. Walker moved to suspend the constitutional rule and have the bill read a first and second time by its title.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Baker,	Clark,	Glazebrook,
Baxter,	Coffman,	Gronendyke,
Billingsley,	Durham,	Hatch,
Bowser,	Eaton,	Henderson,
Branham,	Edwards, of Lawrence,	Hollingsworth,
Broadbuss,	Ellsworth,	Jones,
Butts,	Gifford,	King,
Cauthorn,	Givan,	Kirkpatrick,

Lenfesty,	Rudder,	Thompson, of Spencer,
McKinney,	Satterwhite,	Troutman,
Miller,	Schmuck,	Walker,
North,	Scott,	Wesner,
Odle,	Shirley,	Whitworth,
Ogden,	Smith,	Wilson, of Blackford,
Peed,	Stanley,	Willson, of Ripley,
Pfrimmer,	Teeter,	Wood,
Prentiss,	Thayer,	Woodard,
Richardson,	Tingley,	Woollen,
Riggs.	Thompson, of Elkhart,	Mr. Speaker—57.

Those who voted in the negative were, Messrs.

Anderson,	Glasgow,	McConnell,
Crumpacker,	Hedrick,	Pirimmer,
Dial,	Heller,	Reno,
Eward,	Johnson,	Rumsey,
Fur	Kimball,	Shutt,
Goble,	Martin,	Willard—18.

So the constitutional rule was suspended, and the bill was read a first and second time by its title.

On motion of Mr. Walker,

The bill was laid on the table and three hundred copies ordered to be printed for the use of the members of the House.

Senate Bill No. 6 was taken up.

An act concerning the transportation of freight and passengers over railroads within this State, and repealing all laws in conflict with this act, and prescribing penalties for the violation thereof, and declaring an emergency.

Which bill was read a first time, and

On motion of Mr. Ogden,

Was referred to the committee on judiciary.

Senate Bill No. 10 was taken up.

An act to amend section fifty-eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Which bill was read a first time, and,

On motion,

Which was referred to the committee on cities and towns.

Senate Bill No. 68 was taken up. An act to amend the second section of an act, entitled "An act creating the Twenty-third Common Pleas District and making provision thereof, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process and declaring an emergency.

Which bill was read a first time.

Mr. Odle moved to suspend the constitutional rule, have the bill read a second time by title, considered as engrossed, read a third time by title, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Cline,	Gifford,
Barrett,	Cobb,	Glasgow,
Baxter,	Coffman,	Glazebrook,
Billingsley,	Cole,	Goble,
Blocher,	Cowgill,	Gronendyke,
Bowser,	Crumpacker,	Hatch,
Branham,	Dial,	Hedrick,
Broadbuss,	Durham,	Heller,
Butterworth,	Eaton,	Henderson,
Cauthorn,	Edwards, of Lawrence,	Hollingsworth,
Clark,	Eward,	Hoyer,
Claypool,	Furnas,	Kimball,

King,	Richardson,	Thompson, of Elkhart,
Kirkpatrick,	Riggs,	Thompson, of Spencer,
Lenfesty,	Rudder,	Troutman,
McKinney,	Rumsey,	Tulley,
Melleit,	Satterwhite,	Walker,
North,	Schmuck,	Wesner,
Odle,	Scott,	Whitworth,
Offutt,	Shirley,	Wilson, of Blackford,
Ogden,	Shutt,	Willson, of Ripley,
Peed,	Smith,	Wood,
Pfrimmer,	Stanley,	Woodard,
Prentiss,	Teeter,	Woollen,
Reeves,	Thayer,	Wynn,
Reno,	Tingley,	Mr. Speaker—79.

Mr. Martin voting in the negative.

So the constitutional rule was suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Cowgill,	Henderson,
Barrett,	Crumpacker,	Hollingsworth,
Baxter,	Dial,	Hoyer,
Billingsley,	Durham,	Johnson,
Blocher,	Eaton,	Kimball,
Bowser,	Ellsworth,	King,
Branham,	Eward,	Kirkpatrick,
Broadus,	Gifford,	Lenfesty,
Butterworth,	Givan,	Martin,
Butts,	Glazebrook,	McCounell,
Canthorn,	Glasgow,	McKinney,
Clark,	Goble,	North,
Claypool,	Gronendyke,	Odle,
Cobb,	Hatch,	Offutt,
Coffinan,	Hedrick,	Ogden,
Cole,	Heller,	Peed,

Pfrimmer,	Shirley,	Wesner,
Prentiss,	Shutt,	Whitworth,
Reeves,	Smith,	Willard,
Reno,	Stanley,	Wilson, of Blackford,
Richardson,	Teeter,	Willson, of Ripley.
Riggs,	Thayer,	Wood,
Rudder,	Tingley,	Woodard,
Rumsey,	Thompson, of Elkhart,	Woollen,
Satterwhite,	Thompson, of Speneer,	Wynn,
Schmuck,	Troutman,	Mr. Speaker—79.
Scott,	Tulley,	

No on voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Williard was granted leave of absence until Monday next.

Senate Bill No. 88 was taken up.

An act to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of associations and prescribing their powers, and providing for the assessment of the cost of such improvements and the expenses attending the same upon the lands benefitted thereby, and for the collection of such assessments, and repealing certain acts therein specified, and declaring an emergency.

Which bill was read a first time.

On motion of Mr. Wood,

The bill was laid on the table and two hundred copies ordered to be printed for the use of the members of the House.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they have carefully compared Enrolled Act No. 37, House of Representatives, entitled "An act authorizing an appropriation of money out of the State treasury for the use of the Indiana University," with the engrossed bill, and find the same correctly enrolled.

The Speaker announced that he had signed Enrolled House Act No. 37.

Senate Bill No. 134 was taken up.

An act to create the Twenty-sixth Judicial District of the Court of Common Pleas, defining what counties shall compose the same, fixing the time of holding the courts therein, and the duration of the terms thereof, making all process from the present Common Pleas Courts therein actionable to such terms, providing for the appointment of a Judge and District Attorney for said District, declaring when the same shall take effect, and repealing all laws inconsistent therewith and declaring an emergency.

Which bill was read a first time, and,

On motion of Mr. Cauthorn,

Was laid on the table.

Enrolled House Bill No. 172 was taken up, the bill read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Coffman,	Goble,
Baker,	Cole,	Gronendyke,
Baxter,	Crumpacker,	Hatch,
Billingsley,	Dial,	Hedrick,
Branham,	Edwards, of Lawrence,	Heller,
Broadbush,	Ellsworth,	Henderson,
Butterworth,	Eward,	Hollingsworth,
Clark,	Furnas,	Isenhower,
Claypool,	Gifford,	Jones,
Cobb,	Givan,	King,

Kirkpatrick,	Riggs,	Thompson, of Spencer,
Lenfesty,	Rudder,	Troutman,
Martin,	Rumsey,	Tulley,
McConnell,	Satterwhite,	Wesner,
McKinney,	Scott,	Whitworth,
Miller,	Shirley,	Willard,
North,	Shutt,	Wilson, of Blackford,
Ofutt,	Smith,	Wilson, of Ripley,
Ogden,	Stanley,	Wood,
Peed,	Strange,	Woodard,
Prentiss,	Teeter,	Woollen,
Reeves,	Tingley,	Wynn,
Reno,	Thompson, of Elkhart,	Mr. Speaker—70.
Richardson,		

Those who voted in the negative were, Messrs.

Blocher,	Durham,	Eaton—3.
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So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Spellman was granted leave of absence until Monday next.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Senate bill, to-wit:

A bill to prevent extortionate charges for and unjust discrimination in the transportation of freight by railroad companies and other common carriers, and to provide a remedy when such extortions or discriminations are practiced, and for the assignment of claims; and the same is herewith transmitted to the House.

Also Engrossed House Bill No. 49. A bill creating the Twenty-second Judicial Circuit of the State, and fixing the time of holding

Circuit Courts therein, with the following amendment to the title, to wit: "And declaring an emergency," and respectfully ask the concurrence of the House therein.

Mr. Wynn introduced

House Bill No. 231. An act amending an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869.

Which was read a first time and referred to the committee on railroads.

Mr. Mellett introduced

House Bill No. 232. An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency.

Which was read a first time, and,

On motion of Mr. Mellett,

Referred to the committee on elections.

Mr. Walker introduced

House Bill No. 233. An act to divide the State of Indiana into Congressional Districts.

Which bill was read a first time.

Mr. Shirley introduced

House Bill No. 234. An act relating to the terms of courts, the forming of issues and trials in criminal and civil causes in the several courts in this State, and defining the powers and prescribing the duties of judges therein.

Which bill was read a first time, and referred to the committee on the organization of courts.

Mr. Kimball presented the claim of T. W. McCoy for \$3,200, which was referred to the committee on claims.

The message from the Senate in relation to the amendment proposed by the Senate to House Bill No. 49, was read and the amendment adopted.

On motion of Mr. Walker,

House Bill No. 24, was taken from the table and referred to the committee on the judiciary.

Mr. Woodard offered the following resolution :

A resolution to appoint a committee to inquire into the condition and needs of the office of Secretary of State.

WHEREAS, The late Secretary of State, in his annual report to Governor, urgently recommended a reorganization of his office, and

WHEREAS, The present Secretary represents that the public service suffers great inconvenience and detriment from the want of system and care in past years, and the absence of important records, registers and indices, and

WHEREAS, This General Assembly has passed laws and has impending bills increasing the duties of his office.

Therefore, for the purpose of abating information, be it

Resolved, That a special committee of three members of this House be appointed by the Speaker to act alone, or with any similar committee appointed by the Senate, to investigate the condition and needs of the office of Secretary of State, and to inquire if any legislation is necessary, and to report by bill or otherwise.

Which was adopted.

On motion of Mr. Tully,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING.

DECEMBER 14, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

Prayer was offered by the Rev. H. R. Naylor, of Indianapolis.

The Journal of yesterday was read in part, when,

On motion of Mr. McConnell,

The further reading was dispensed with.

The Speaker announced the following select committee as required by the resolution of Mr. Woodard in relation to the investigation of the condition and need of the office of Secretary of State :

Messrs. Woodard, Goble and Glazebrook.

Mr. Satterwhite, chairman of the committee on banks, submitted the following report :

MR. SPEAKER :

The committee on banks to whom was referred House Bill No. 60, an act to provide for the assessment and collecting of taxes on stocks on State and National Banks, have had the same under consideration and find the same provision in House Bill No. 163, passed by this House, December 12, 1872, consequently the committee consider no further legislation necessary, and recommend the bill be indefinitely postponed.

Which report was not concurred in.

The bill was read a second time and ordered to be engrossed.

Mr. Hedrick, chairman of the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on rights and privileges to whom was referred House Bill No. 82, an act to repeal an act, entitled "An act providing for the protection of fish, prescribing penalties," etc., have had the same under consideration, have directed me to report the same back recommending that it be indefinitely postponed.

On motion of Mr. Richardson,

The report and bill were laid on the table.

Mr. Hedrick, chairman of the committee on rights and privileges, submitted the following report :

MR. SPEAKER :

The committee on rights and privileges, to whom was referred House Bill No. 227, have had the same under consideration and direct me to report it back, recommending its passage.

Which report was concurred in.

The bill was read a second time and ordered engrossed.

Mr. Ogden, chairman of the committee on corporations, submitted the following report :

MR. SPEAKER :

Your committee on corporations, to whom was referred House Bill No. 3, entitled an act to amend section 4 of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'An act concerning the organization of voluntary associations, and repealing all former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency, have had the same under consideration and report it back to the House with the recommendation that it pass.

Which report was concurred in, the bill read a second time and passed to a third reading.

Mr. Gifford, chairman of the committee on cities and towns, submitted the following report :

MR. SPEAKER :

The committee on cities and towns, to whom was referred House Bill No. 185, have had the same under consideration, and have directed me to report the same back to the House with a recommendation that it pass.

Which report was concurred in, the bill read a second time and ordered to be engrossed.

Mr. Gregory, chairman of the select committee, to whom was referred the matter of the investigation in relation to the surplus revenue of Carroll county, submitted the following report and resolution :

MR. SPEAKER :

The committee to whom was referred the investigation of the disposition of certain moneys alleged to have been collected upon judgment obtained in the Carroll Circuit Court on the relation of John D. Evans, Auditor of State, against Joseph Evans and William Dunkle, executors of Samuel Grimes, late of Carroll county, in the State of Indiana, beg leave to submit the following report :

Joseph A. Sims came in person, and upon his oath testified that he had been employed upon a written contract with L. B. McCarty, Auditor of the State of Indiana, and B. W. Hoss, Superintendent of Public Instruction, together with Barnabas C. Hobbs, also Superintendent of Public Instruction of Indiana; and that as such attorney he instituted the suit above named, prosecuted the same to judgment amounting in the aggregate to \$11,199, and collected the same, paying into the State Treasury the sum of \$700, and retaining the remainder, \$10,419, for his services as attorney in the above suits, and, as he claims, in accordance with the provisions of the contract aforesaid. And we further state that the records of the Court in Carroll county, together with the statements of other witnesses, and the receipt given by Joseph A. Sims to William Dunkle upon the receipt of the money, all corroborate the statement of the said Joseph A. Sims. Your committee being of the opinion that the validity of the contract upon which said money was retained, as well, also, as

whether the officers of State transcended their power in entering into the contract with said Joseph A. Sims, are questions to be determined by legal tribunals only. Therefore, your committee would present herewith a record of the evidence, together with a copy of the contract aforesaid, and would recommend the adoption of the accompanying resolution on the part of the House of Representatives, requesting to be discharged from a farther consideration of the case.

Resolved, That the Attorney General of the State of Indiana be, and is hereby requested to make all necessary investigation as to the legality of the disposition of the money collected upon two judgments obtained in the Carroll County Common Pleas Court on the relation of John D. Evans vs. Joseph Evans and William Dunkle, executors of Samuel Grimes, late of Carroll County, deceased, and if, in his opinion, the money retained by Joseph A. Sims, or from the barter in contract with said Sims for the collection of said money, then the said Attorney General, by and with the consent of the Superintendent of Public Instruction, Auditor of State and Governor of State, shall institute a suit for the recovery of the same.

Which report was concurred in and the resolution adopted.

Mr. King, chairman of the committee on railroads, submitted the following report on House Bill No. 117, and substituting a bill in lieu thereof:

MR. SPEAKER :

The committee on railroads to whom was referred House Bill No. 117, entitled "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies," approved May 12, 1869, have had the same under consideration and directed me to report the same back with the recommendation that it lie on the table and offer the following bill as a substitute:

House Bill No. 235 being a bill substituted in lieu of House Bill No. 117. "An act supplemental to an act to authorize aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies," approved May 12, 1869.

On motion of Mr. Peed,

The original bill, the report of the committee, and the substituted bill, were laid on the table.

On motion,

Senate Bill No. 5 was referred back to the House by the committee on the judiciary.

Mr. Shirley offered the following amendment :

Add to section 3 : "*Provided*, That under the provision of this act the stock so issued being involuntary in its character, no personal liability shall attach to the original holder thereof for any debt contracted by the railroad companies."

Which amendment was adopted.

On motion of Mr. Peed,

The bill was considered as engrossed, read a third time, and put upon its passage?

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Durham,	Hollingsworth,
Barrett,	Eaton,	Isenhower,
Baxter,	Edwards, of Lawrence,	Johnson,
Billingsley,	Ellsworth,	Jones,
Blocher,	Eward,	Kimball,
Broadbus,	Furnas,	King,
Butterworth,	Gifford,	Leufesty,
Canthorn,	Glasgow,	McConnell,
Clark,	Glazebrook,	McKinney,
Claypool,	Goble,	Melletts,
Cline,	Gregory,	Miller,
Cobb,	Gronendyke,	North,
Coffman,	Hatch,	Odle,
Cole,	Hedrick,	Offutt,
Crumpacker,	Heller,	Ogden,
Dial,	Henderson,	Peed,

Pfrimmer,	Scott,	Troutman,
Prentiss,	Shirley,	Wesner,
Reeves,	Shatt,	Whitworth,
Reno,	Strange,	Wilson, of Blackford,
Richardson,	Teeter,	Willson, of Ripley,
Riggs,	Thayer,	Wood,
Rudder,	Tingley,	Woollen,
Rumsey,	Thompson, of Elkhart,	Wynn,
Satterwhite,	Thompson, of Spencer,	Mr. Speaker—78.
Schmuck,		

Messrs. Branham and Martin voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The joint committee, on enrolled acts submitted the following report :

MR. SPEAKER:

Your joint committee on enrolled acts would report that they have examined Enrolled House Bill No. 49, entitled "An act creating the Twenty-second Judicial District," and find the same correctly enrolled.

The Speaker announced that he had signed Enrolled House Act No. 49.

On motion of Mr. Thompson, of Elkhart,
House Bill No. 235 was taken from the table.

Mr. Thompson, of Elkhart, moved that the constitutional rule be suspended, the bill read a second time by title, considered as engrossed, read a third time by sections and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Goble,	Reno,
Barrett,	Gregory,	Richardson,
Billingsley,	Grouendyke,	Riggs,
Blocher,	Hatch,	Rudder,
Bowser,	Heller,	Rumsey,
Branham,	Henderson,	Satterwhite,
Broadbus,	Hollingsworth,	Schmuck,
Butterworth,	Isenhower,	Scott,
Cauthorn,	Kimball,	Shirley,
Clark,	King,	Shutt,
Claypool,	Lentesty,	Stanley,
Cline,	Lent,	Strange,
Cobb,	Martin,	Teter,
Coffman,	McConnell,	Thayer,
Cowgill,	McKinney,	Tingley,
Crumpacker,	Mellet,	Thompson,* of Elkhart,
Dial,	Miller,	Thompson, of Spencer,
Durham,	North,	Troutman,
Eaton,	Odle,	Walker,
Edwards, of Lawrence,	Offutt,	Whitworth,
Ellsworth,	Ogden,	Wilson, of Blackford,
Eward,	Peed,	Willson, of Ripley,
Furnas,	Pfrimmer,	Wood,
Gifford,	Prentiss,	Woollen,
Glasgow,	Reeves,	Mr. Speaker—75.

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Blocher,	Broadbus,
Barrett,	Bowser,	Butterworth,
Billingsley,	Branham,	Clark,

Cline,	Hollingsworth,	Riggs,
Cobb,	Isenhower,	Rudder,
Coffman,	Johnson,	Satterwhite,
Cole,	Kimball,	Scott,
Cowgill,	King,	Shirley,
Crumpacker,	Lenfesty,	Shutt,
Dial,	Lent,	Stanley,
Durham,	Martin,	Teter,
Eaton,	McConnell,	Thayer,
Edwards, of Lawrence,	McKinney,	Tingley,
Ellsworth,	Melletts,	Thompson, of Elkhart,
Eward,	Miller,	Thompson, of Spencer,
Furnas,	North,	Troutman,
Gifford,	Odle,	Walker,
Glasgow,	Offutt,	Wesner,
Goble,	Ogden,	Whitworth,
Gregory,	Peed,	Wilson, of Blackford,
Gronendyke,	Pfrimmer,	Willson, of Ripley,
Hatch,	Prentiss,	Wood,
Hedrick,	Reeves,	Woolen,
Heller,	Reno,	Wynn,
Henderson,	Richardson,	Mr. Speaker—77.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The committee on claims submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of James N. Kimball for \$250, on account of legal services, have had the same under consideration, and recommend that it be allowed, referred to the committee on ways and means and incorporated in the specific appropriation bill.

Which report was concurred in.

The committee on claims submitted the following report.

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Henry Coleman for \$15, have had the same under consideration, and recommend that it be allowed, referred to the committee on ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Lenfesty, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of the *Sunday Post*, on account of papers furnished the last General Assembly, amounting to the sum of \$708.75, have had the same under consideration, and recommend that it be allowed, referred to the committee on ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Lenfesty, from the committee on claims submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of E. P. Beauchamp for \$101 on account of services as special messenger, have had the same under consideration, and recommend that \$81 of the same be allowed, referred to the committee on ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Hedrick, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of C.

W. Wrightson, for \$40.00, on account of services as clerk to special committee, have had the same under consideration, and recommend that it be allowed, and referred to the committee on ways and means, and incorporated in special appropriations.

Which report was concurred in.

Mr. Hedrick, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of W. P. & E. P. Gallup, for \$110.50, have had the same under consideration, and recommend that the same, less \$10.50 interest, be allowed, and referred to the committee of ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of the Jeffersonville Railroad Company, for \$65.55, on account of transportation, for examination, have had the same under consideration, and find it accompanied by proper vouchers, and recommend that the same be allowed, and referred to the committee on ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claims of Barbour & Jacobs, for \$2,800, on account of legal services in sundry cases referred to in accompanying papers, have had the same under consideration, and recommend that it be allowed, and referred to

the committee of ways and means, and incorporated in specific appropriations.

Which report was concurred in.

On motion of Mr. Offutt,

House Bill No. 96 was made a special order for Monday next, at 2 o'clock P. M.

Mr. Scott moved that when this House adjourn, it adjourn until Monday next, at 2 o'clock P. M.

Which motion prevailed.

On motion,

The committee on claims was granted leave to withdraw the report on the claim of Jonathan W. Gordon, for further consideration.

Mr. Heller introduced

House Bill No. 236. An act providing for taking the sense of the qualified voters of this State on the calling of a convention to alter, amend, or revise the Constitution of this State.

Which was read a first time and referred to the committee on county and township business.

Mr. Wesner introduced

House Bill No. 237. An act to amend section nineteen, of an act entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 26, 1852.

Which was read a first time and referred to the committee on the judiciary.

Mr. Wesner introduced

House Bill No. 238. An act to amend section nineteen of an act entitled "An act regulating descents, and the apportionment of estates," approved May 14, 1852.

Which was read a first time and referred to the committee on the judiciary.

Mr. Martin introduced

House Bill No. 239. An act to prevent the establishment of any slaughter house, dead animal rendering house, soap or starch factory or any other offensive trade or business by which running waters are made corrupt or impure, upon any stream, creek or river, the waters of which run to or by any waterworks, within the distance of four miles above said water works, and prescribing penalties for violation of this act.

Which was read a first time and referred to the committee on the judiciary.

The joint committee on enrolled bills submitted the following report.

MR. SPEAKER:

The committee on enrolled bills, would respectfully report that they presented December 12, for the signature of the Governor, the following enrolled act, to wit:

Enrolled Senate Act No. 85. An act to provide for the payment of sundry bonds or stock of the State of Indiana, issued prior to the year 1841, and declaring an emergency.

Also Senate Joint Resolution No. 2. A joint resolution in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.

Mr. Ellsworth presented a memorial from numerous citizens of Crawford county on the subject of license laws.

Which was referred to the committee on temperance.

Mr. Givan introduced

House Bill No. 240. An act to amend section seventy of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and

duties in civil cases," approved June 9th, 1852, and saving pending actions, and declaring an emergency.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Miller offered the following resolution :

Resolved, That the committee on railroads be requested to inquire and report to this House what legislation is necessary to protect property along railroad tracks from damage by fire communicated by sparks from passing locomotives.

Which was adopted.

M. Shutt presented the claim of Messrs. Hendricks, Hord and Hendricks for legal services, to the amount of \$1,000.

Which was referred to the committee on claims.

Mr. Claypool introduced

House Bill No. 241. An act to give security to persons who contract with railroad corporations to perform work and labor in the construction of railroads, and declaring an emergency.

Which was read a first time, and referred to the committee on the judiciary.

Mr. Clark presented sundry petitions from citizens of Hamilton county, on the subject of temperance.

Which were referred to the committee on temperance.

Mr. Offutt offered the following resolution :

Resolved, That the following named officers of the House, to wit : Principal and Assistant Clerks, Doorkeeper, Postmaster, and the Chairman of the different committees, are hereby required to make out, in writing, a list of all clerks and other employes under them, together with the duties now being performed by each, and the necessity for further retaining them ; which said list shall be made out and reported to the House, on or before Monday next at two o'clock.

Which was adopted.

Mr. Hedrick presented a petition from sundry citizens of Henry county, praying for the repeal, or material modification, of the act providing for county and township aid in the construction of railroads.

Which was referred to the committee on railroads.

Mr. Cobb offered the following resolution :

Resolved, That the members of this House are authorized, and required, at the close of this session, to retain for use during the coming regular session of this General Assembly, the copies of Gavin and Hord's Statutes and Davis' Supplement, drawn from the State Librarian, for use during the special session.

Which was adopted.

Mr. Woollen introduced,

House Bill No. 242. An act concerning promissory notes payable in bank.

Which was read a first time and referred to the committee on the judiciary.

Mr. Troutman offered the following resolution :

WHEREAS, Our material banking system, limited as it is, does not afford an adequate circulating medium for the commercial interests of the country, and,

WHEREAS, The general prosperity of the State demands such legislation as will invite capital into the same,

Therefore, resolved, That the committee on the judiciary be requested to inquire into, and report to this House, what legislation is necessary to establish a State banking system similar to that of the national banking system.

Which,

On motion of Mr. Miller,

Was laid on the table.

Mr. Wood presented a petition from sundry citizens of Lake county on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Teeter introduced

House Bill No. 243. An act to repeal an act entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Also, to repeal an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency," approved March 11th, 1867.

Which was read a first time and referred to the committee on agriculture.

Mr. Peed introduced

House Bill No. 244. An act to amend Section ten of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Which bill was read a first time and referred to the committee on education.

Mr. Johnson introduced

House Bill No. 245. A bill to provide for paroling of prisoners who may be confined in any county jail for the non-payment of fines which may have been adjudged against them upon conviction of public offenses.

Which bill was read a first time and referred to the committee on the judiciary.

Mr. Johnson introduced

House Bill No. 246. An act concerning the granting of pardons by the Governor.

Which bill was read a first time and referred to the committee on the judiciary.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the following engrossed amendment to Senate Bill No. 5, to wit:

Engrossed Amendment. "*Provided*, That the stock so issued under the provisions of this act, being involuntary in its character, no personal liability shall attach to the original holder thereof, for any debt contracted by the railroad company."

Mr. Johnson introduced

House Bill No. 247. A bill in relation to the qualifications of jurors in certain cases therein named.

Which was read a first time and referred to the committee on the judiciary.

Mr. Johnson introduced

House Bill No. 248. An act for the presentation of evidence in certain cases, providing for the appointment of official reporters for the courts of this State, prescribing their duties, and providing for their compensation.

Which bill was read a first time and referred to the committee on the judiciary.

Mr. Cauthorn introduced

House Bill No. 249. A bill for an act to fix the salaries of Judges of the Supreme Court of Indiana, providing the manner of paying the same and declaring an emergency.

Which bill was read a first time.

Mr. Branham moved that the constitutional rule be suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Richardson,
Barrett,	Goble,	Rudder,
Billingsley,	Gregory,	Schmuck,
Branham,	Gronendyke,	Shirley,
Broadbuss,	Hedrick,	Stanley,
Butterworth,	Henderson,	Strange,
Cauthorn,	Hollingsworth,	Teter,
Clark,	King,	Tingley,
Cline,	Lenfesty,	Thompson, of Elkhart,
Coffman,	Martin,	Troutman,
Cole,	McConnell,	Whitworth,
Dial,	McKinney,	Wilson, of Blackford,
Durham,	Mellett,	Wood,
Eaton,	North,	Woollen,
Ellsworth,	Peed,	Wynn,
Furnas,	Pfrimmer,	Mr. Speaker—50.
Givan,	Reno,	

Those who voted in the negative were, Messrs.

Claypool,	Heller,	Satterwhite,
Cobb,	Johnson,	Scott,
Cowgill,	Lent,	Shutt,
Crumpacker,	Ogden,	Thayer,
Edwards, of Lawrence,	Prentiss,	Thompson, of Spencer,
Gifford,	Reeves,	Walker, [†]
Hatch,	Riggs,	Wesner—21.

So the constitutional rule was suspended and the bill read a second time, whereupon,

On motion of Mr. Thayer,

The bill was referred to the committee on fees and salaries.

Mr. Satterwhite presented petitions from sundry citizens of Morgan county on the subject of temperance.

Which were referred to the committee on temperance.

Mr. Lent introduced

House Bill No. 250. An act to amend sections 1, 2, 3, 4, 8 and

18 of an act entitled, "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies."

Which bill was read a first time and referred to the committee on railroads.

Mr. Schmuck introduced

House Bill No. 251. An act to promote immigration to the State of Indiana.

Which bill was read a first time and referred to the committee on statistics and emigration.

Mr. Whitworth introduced

House Bill No. 252. An act to amend section 1 of an act entitled "An act in relation to the change of public highways," approved March 11, 1867.

Which bill was read a first time and referred to the committee on statistics and emigration.

Mr. Ogden introduced

House Bill No. 253. An act to amend section twenty-six (26) of an act entitled, "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852.

Which was read a first time and referred to the committee on the judiciary.

Mr. Riggs introduced

House Bill No. 254. An act to amend an act to incorporate the Lawrenceburg Insurance Company, approved February 3, 1832.

Which was read a first time and referred to the committee on insurance.

Mr. Gronendyke presented the claim of Newcomb, Mitchell & Ketcham for legal services.

Which was referred to the committee on claims.

Mr. Riggs presented the claim of John G. Hanning, for gas fixtures.

Which was referred to the committee on claims.

Mr. Baxter presented a petition from sundry citizens of Wabash and Miami counties, on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Baxter presented a memorial from the Society of Friends, praying for the repeal of the death penalty in criminal cases.

Which was referred to the committee on the judiciary.

House Bill No. 233 was taken up, and

On motion of Mr. Walker,

Read a second time and referred to the committee on elections.

Mr. Walker presented the claim of Holland & Binkley, for legal services.

Which was referred to the committee on claims.

Mr. Willson, of Ripley, moved to take up House Bill No. 214.

So ordered.

Which bill was read a second time, and reported to the committee on the organization of courts.

Mr. Eward was granted leave of absence until Monday next, at two o'clock, P. M.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed House bill, to-wit:

Engrossed House Bill No. 32, entitled "A bill to fix the time of holding the Court of Common Pleas in the Sixteenth Judicial District, and repealing all laws in conflict therewith," with the follow-

ing engrossed amendment to the title, to wit: "And declaring an emergency."

In which the concurrence of the House is respectfully requested.

On motion,

The message from the Senate in relation to Engrossed House Bill No. 32, and the amendment proposed by the Senate thereto, was taken up, and,

On motion,

The Senate amendment was adopted.

Mr. Hollingsworth was granted leave of absence until Monday next.

The Speaker announced that he had signed Senate Enrolled Act No. 1.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed the following enrolled House acts, to wit:

Enrolled House Act No. 37. An act authorizing an appropriation of money out of the State treasury for the use of Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses in the years 1870 and 1871.

Also, Enrolled House Act No. 70. An act to enable counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein, to aid in the construction of railroad opposite such counties in other States, to run to such counties or to the State line or river forming the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose; and authorizing such cities to issue bonds for such aid, and declaring an emergency.

Also, Enrolled House Joint Resolution No. 2. A joint resolution

agreeing to and adopting an amendment proposed to the constitution by the last General Assembly, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal.

Also, Engrossed Act of the House No. 49. Entitled "An act creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein, and declaring an emergency.

And the same has been delivered to the joint committee on enrolled bills in accordance with rule No. 4 of the joint rules of both Houses.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to transmit to the House of Representatives for the signature of the Speaker thereof the following enrolled act, namely :

Senate Bill No. 1. A bill to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect without executive approval on the 22d day of May, 1869.

Also, an act to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands by incorporated companies, and to repeal all former laws relating to the same subject," which act took effect May 22, 1869, and prescribing penalties for the violation of the provisions thereof, which last named act was approved on the 23d day of February, 1871, and saving the rights therein mentioned, and declaring an emergency.

On motion of Mr. Willson of Ripley,
The House adjourned until Monday at 2 o'clock P. M.

MONDAY AFTERNOON,

DECEMBER 16, 1872, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills have, this 14th day of December, 1872, presented Enrolled Bill No. 1, entitled "An act to repeal an act entitled 'An act to authorize and encourage the construction of dykes and levees, etc.' " Also to repeal an act supplementary thereto, approved February 23, 1871, to the Governor for his signature.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to transmit herewith to the House of Representatives for the signature of the Speaker thereof, the following enrolled acts of the Senate, to-wit:

Enrolled Act No. 68. An act to amend the 2d section of an act entitled "An act creating the Twenty-third Common Pleas District and making provisions therefor, and repealing all conflicting laws," approved March 11, 1867, providing for the return of process and declaring an emergency.

Also, Enrolled Act of the Senate No. 5, entitled "An act to require railroad companies to issue stock paid for by taxes voted for in construction of railroads, to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency.

Also, Enrolled Senate Act No. 51. An act to amend section 1 of an act entitled "An act to organize a supreme court and prescribing certain duties of the judges thereof."

Also, Enrolled Senate Act No. 52. An act dividing the State into five supreme court judicial districts, providing for the appointment of one judge of said court to fill vacancies, repealing all laws in conflict herewith, and declaring an emergency.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate passed the following engrossed bill of the Senate, to wit:

Engrossed Senate Bill No. 2. Entitled "A bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana."

Also, Engrossed Senate Bill No. 159. An act to provide for the submission of the qualified voters of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana, therein mentioned, and declaring an emergency.

Also, Engrossed Senate Bill No. 59, to wit: An act to amend sections twelve, fourteen and eighteen, and to repeal sections fifteen and sixteen of an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12, 1869, and declaring an emergency.

Which are herewith respectfully transmitted.

Also, I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, to wit:

Engrossed House Bill No. 119. Entitled "A bill in relation to organizing the two Houses of the General Assembly and defining certain duties of certain officers in relation thereto and declaring an emergency," with the following amendment to the title, to wit:

Strike out a "a bill" where it occurs and insert "an act." And would respectfully ask the concurrence of the House therein.

Also, I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, to wit:

Engrossed Senate Bill No. 145. Entitled "An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House and regulating their duties."

Also, Engrossed Senate Bill No. 118. A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the Twentieth Judicial Circuit, to fix the times for holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Also, Engrossed Senate Bill No. 45, entitled, "A bill to provide for the permanent enclosure of the Tippecanoe Battle Ground," and the same is herewith transmitted to the House.

All of which is herewith transmitted to the House.

SPECIAL ORDER.

The special order of the day being the consideration of House Bill No. 96.

Mr. Walker moved that the further consideration of said bill be postponed until the next regular session of this Legislature.

Whereupon, Messrs. Cauthorn and Branham demanded the ayes and noes.

The question being, shall the further consideration of House Bill No. 96 be postponed until the next regular session of the Legislature?

Those who voted in the affirmative were, Messrs.

Anderson,
Baker,

Barrett,
Baxter,

Blocher,
Bowser,

Branham,	Hatch,	Riggs,
Broadbush,	Hedrick,	Rudder,
Butterworth,	Heller,	Rumsey,
Cauthorn,	Hollingsworth,	Schmuck,
Clark,	Hoyer,	Scott,
Claypool,	Johnson,	Shutt,
Cline,	Jones,	Spellman,
Cobb,	Kirkpatrick,	Stanley,
Cole,	Lenfesty,	Tingley,
Cowgill,	Martin,	Thompson, of Spencer,
Crumpacker,	McConnell,	Troutman,
Dial,	McKinney,	Tulley,
Durham,	Miller,	Walker,
Edwards, of Lawrence,	North	Wesner,
Ellsworth,	Peed,	Whitworth,
Glasgow,	Prentiss,	Wilson, of Blackford,
Glazebrook,	Reeves,	Wood,
Goble,	Reno,	Woollen,
Gronendyke,	Richardson,	Wynn—64.

Those who voted in the negative were, Messrs.

Billingsley,	Kimball,	Shirley,
Coffman,	King,	Teeter,
Furnas,	Lent,	Thayer,
Givan,	Offutt,	Thompson, of Elkhart,
Gregory,	Ogden,	Willson, of Ripley,
Henderson,	Pfrimmer,	Mr. Speaker—18.

So the further consideration of said bill was postponed until the next regular session of the Legislature.

The Speaker announced that he had signed Enrolled Senate Act No. 68.

Also, Enrolled Senate Act No. 5.

Also, Enrolled Senate Act No. 52.

Also, Enrolled Senate Act No. 51.

On motion of Mr. Lenfesty,

Senate Bill No. 145 was taken up. An act in relation to the

organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House and regulating their duties.

Which bill was read a first time.

Mr. Walker moved to suspend the constitutional rule, have the bill read a second time by title, considered as engrossed, read a third time by sections and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were Messrs.

Anderson,	Goble,	Richardson,
Baker,	Gregory,	Riggs,
Billingsley,	Gronendyke,	Rudder,
Blocher,	Hatch,	Rumsey,
Bowser,	Hedrick,	Schmuck,
Branham,	Henderson,	Scott,
Broadus,	Hollingsworth,	Shirley,
Butterworth,	Hoyer,	Shutt,
Canthorn,	Johnson,	Spellman,
Clark,	Jones,	Stanley,
Cline,	Kimball,	Teter,
Coffman,	King,	Thayer,
Cole,	Kirkpatrick,	Thompson, of Elkhart,
Cowgill,	Lenfesty,	Troutman,
Crumpacker,	Lent,	Tulley,
Dial,	Martin,	Walker,
Durham,	McConnell,	Wesner,
Eaton,	McKinney,	Whitworth,
Ellsworth,	North,	Wilson, of Blackford,
Furnas,	Offutt,	Wood,
Givan,	Ogden,	Woollen,
Glasgow,	Prentiss,	Woodard,
Glazebrook,	Reno,	Mr. Speaker—69.

Those who voted in the negative were, Messrs.

Baxter,	Cobb,	Heller,
Claypool,	Edwards, of Lawrence,	Peed,

Pfrimmer, Thompson, of Spencer, Willard—10.
Tingley,

So the constitutional rule was suspended, and the bill read a second time by title.

Whereupon Mr. Walker offered the following amendment :

Amend section 2, by striking out the clerks of the standing committees of the Senate and House.

Which amendment was adopted.

Mr. Wesner offered the following amendment :

Amend that part of section second that relates to the number of copying clerks of the assistant clerk of the House of Representatives, by striking out the word "four," and inserting "five."

Which was adopted.

Mr. Cauthorn offered the following amendment.

I move to strike out sections 7, 8, 9, 10 and 11.

Which was adopted.

Mr. Billingsley offered the following amendment.

That where the bill provides for three engrossing clerks for the principal clerk, the same shall be amended so as to read four engrossing clerks and one page.

Mr. Cauthorn moved to lay the amendment on the table.

Which motion did not prevail.

The question being shall the amendment offered by Mr. Billingsley be adopted.

Messrs. Cauthorn and Billingsley demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Baker,	Branham,	Cobb,
Baxter,	Broaddus,	Cole,
Billingley,	Clark,	Cowgill,
Blocher,	Claypool,	Crumpacker,

Edwards, of Lawrence, North,		Tingley,
Furnas,	Offut,	Thompson, of Spencer,
Glasgow,	Pfrimmer,	Troutman,
Gregory,	Prentiss,	Walker,
Gronendyke,	Reeves,	Willard,
Hatch	Richardson,	Wilson, of Blackford,
Henderson,	Riggs,	Willson, of Ripley,
Hollingsworth,	Scott,	Wood,
Kirkpatrick,	Shutt,	Woodard,
Lent,	Thayer,	Mr. Speaker—43.
Miller,		

Those who voted in the negative were, Messrs.

Anderson,	Heller,	Reno,
Butterworth,	Hoyer,	Rudder,
Cauthorn,	Jones,	Rumsey,
Cline,	Kimball,	Schmuck,
Coffman,	King,	Shirley,
Dial,	Lenfesty,	Spellman,
Durham,	Martin,	Strange,
Eaton,	McConnell,	Thompson, of Elkhart,
Ellsworth,	McKinney,	Tulley,
Givan,	Melletts,	Wesner,
Glazebrook,	Ogden,	Whitworth,
Goble,	Peed,	Woollen—37.
Hedrick,		

So the amendment was adopted.

The bill, as amended, was considered as engrossed, read a third time by sections and put upon its passage.

The question being, shall the bill, as amended, pass?

Those who voted in the affirmative were Messrs.

Anderson,	Blocher,	Cauthorn,
Baker,	Bowser,	Clark,
Barrett,	Branham,	Cline,
Baxter,	Broadus,	Cobb,
Billingsley,	Butterworth,	Coffman,

Cole,	Jones,	Rumsey,
Cowgill,	Kimball,	Schmuck,
Crumpacker,	King,	Scott,
Dial,	Kirkpatrick,	Shirley,
Durham,	Lenfesty,	Shutt,
Eaton,	Lent,	Spellman,
Edwards, of Lawrence,	Martin,	Teeter,
Ellsworth,	McConnell,	Thayer,
Furnas,	McKinney,	Tingley,
Givan,	Melletts,	Thompson, of Elkhart,
Glasgow,	Miller,	Thompson, of Spencer,
Glazebrook,	North,	Tulley,
Goble,	Offutt,	Walker,
Gregory,	Ogden,	Wesner,
Gronendyke,	Peed,	Wilson, of Blackford,
Hatch,	Pfimmer,	Willson, of Ripley,
Hedrick,	Prentiss,	Wood,
Henderson,	Reeves,	Woodard,
Hollingsworth,	Richardson,	Woollen,
Hoyer,	Riggs,	Mr. Speaker—77.
Johnson,	Rudder,	

Those who voted in the negative were, Messrs.

Claypool,	Reno,	Whitworth—4.
Heller,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon, Mr. Cauthorn offered the following amendment:

Amend title by striking therefrom, the words following, to wit:

“In relation to the organization of the two Houses of the General Assembly.”

Which was adopted.

The question being, shall the title as amended, stand as the title of the bill?

It was so ordered.

The following message was received from the Governor, by John M. Commons, his Private Secretary :

MR. SPEAKER :

I am directed by the Governor to respectfully inform the House, that he has approved and signed,

Enrolled Act of the House No. 37, entitled "An act authorizing an appropriation of money out of the State Treasury, for the use of the Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses, in the years 1870 and 1871."

Also, Enrolled Act of the House No. 49, entitled "An act creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding Circuit Courts therein," and declaring an emergency.

Also, Enrolled Act of the House No. 70, entitled "An act to enable counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties, in other States, to run to such counties or to the State line or river forming the State boundary, bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid," and declaring an emergency.

Also, that he has caused House Joint Resolution No. 2, being "A joint resolution agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the Tenth Article a section in relation to the debt charged upon the Wabash and Erie Canal."

Together with the foregoing recited acts, to be deposited in the office of the Secretary of State.

JOHN M. COMMONS,

Private Secretary.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Senate Bill, to-wit:

Engrossed Senate Bill No. 87, entitled "An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the erection of a public building at Evansville, and ceding jurisdiction over the same."

And the same is herewith transmitted to the House.

The Speaker announced that he had signed Enrolled House Act No. 32.

The Assistant Clerk of the House, Moses G. McLain, submitted the following report:

HON. WM. K. EDWARDS,

Speaker of the House of Representatives:

In compliance with a resolution of the House I beg leave respectfully to submit the following report, giving the names and duties of my employes during the present term of the General Assembly:

Minute Clerk—William S. Barkley.

Journal Clerk—Alexander Shepherd.

Copying Clerk—Daniel M. Ransdell.

Copying Clerk—William H. Brown.

Copying Clerk—John L. Pitner.

Copying Clerk—Lewis T. Wilson.

Copying Clerk—George O. Henry.

I am, very respectfully,

M. G. McLAIN,

Assistant Clerk of the House of Representatives.

The Doorkeeper of the House, T. W. Lockhart, submitted the following report:

HON. W. K. EDWARDS,

Speaker of the House of Representatives:

In compliance with a resolution of the House of December 14, I submit the following report:

First Assistant Doorkeeper at middle door—W. H. H. Graham.

East Doorkeeper—Frank M. Busby.

West Doorkeeper—J. M. McLain.

East Cloak Room Doorkeeper—G. M. Adams.

West Cloak Room Doorkeeper—E. P. Beauchamp.

Chief Cloak Room Doorkeeper—Ernst Cole.

Post Master—J. H. Edwards.

Assistant Postmaster—M. D. Hamilton.

Mail Carrier—Fredrick Loffler.

Paper Folder—Frank Matlock.

Paper Folder—Louis Mason.

Sweeper—Jesse H. Green.

Fireman—Isreal Johnson.

Spittoon Cleaner—James Lockhart.

Water Carrier—Henry Bailey.

Water Closet Doorkeeper—H. H. Porter.

Committee Room Doorkeeper—W. H. Freeman.

Committee Room Doorkeeper—W. H. Slocum.

Page—Charles Brown.

Page—Eddie Vawter.

Three of the above named employes to wit: Mr. Slocum, Committee Room Doorkeeper, and Messrs Brown and Vawter, Pages, were appointed by resolution of the House.

All the above named appointees are believed to be prompt and efficient in the discharge of their several duties, and in my opinion it is necessary that they all be retained.

Respectfully submitted,

W. T. LOCKHART.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

The committee on enrolled bills respectfully report that they have presented this day, December 14th, 1872, to the Governor for his signature, the following enrolled acts, to wit:

Enrolled Senate Act No. 51. Entitled an act to organize a Supreme Court, and prescribing certain duties of the Judges thereof.

Also Enrolled Senate Act No. 52. An act dividing the State into five Supreme Court Judicial Districts; providing for the appointment of one judge of said court to fill the vacancy, repealing all laws in conflict therewith, and declaring an emergency.

On motion of Mr. Rudder,

Senate Bill No. 118 was taken up.

An act to repeal all laws now in force establishing the times of holding Circuit courts in the Second Judicial Circuit; to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Which bill was read a first time.

Mr. Rudder moved that the constitutional rule be suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections. and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Durham,	Lent,
Baker,	Eaton,	Martin,
Barrett,	Edwards, of Lawrence,	McConnell,
Baxter,	Ellsworth,	McKinney,
Billingsley,	Givan,	Mellet,
Blocher,	Glasgow,	North,
Branham,	Glazebrook,	Offutt,
Broadbuss,	Goble,	Prentiss,
Butterworth,	Gronendyke,	Reeves,
Cauthorn,	Hatch,	Reno,
Clark,	Hedrick,	Richardson,
Claypool,	Henderson,	Riggs,
Cline,	Hollingsworth,	Rudder,
Cobb,	Hoyer,	Rumsey,
Coffman,	Johnson,	Schmuck,
Cole,	Jones,	Scott,
Cowgill,	Kimball,	Shirley,
Crumacker,	King,	Shutt,
Dial,	Lenfesty,	Spellman,

Stanley,	Troutman,	Willard,
Teeter,	Tulley,	Willson of Ripley,
Thayer,	Walker,	Wood, :
Tingley,	Wesner,	Woolen, and
Thompson, of Elkhart,	Whitworth,	Mr. Speaker—83.
Thompson, of Spencer,		

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Pfirmer,
Baker,	Glazebrook,	Prentiss,
Barrett,	Goble,	Reeves,
Baxter,	Gronendyke,	Reno,
Billingsley,	Hatch,	Richardson,
Blocher,	Hedrick,	Riggs,
Branham,	Heller,	Rudder,
Broadbuss,	Henderson,	Rumsey,
Butterworth,	Hoyer,	Schmuck,
Cauthorn,	Johnson,	Scott,
Clark,	Jones,	Shirley,
Claypool,	Kimball,	Shutt,
Cline,	King,	Spellman,
Cobb,	Kirkpatrick,	Stanley,
Coffman,	Lenfesty,	Teter,
Cole,	Lent,	Thayer,
Cowgill;	Martin,	Tingley,
Crumpacker,	McConnell,	Thompson, of Elkhart,
Dial,	McKinney,	Thompson, of Spencer,
Durham,	Mellet,	Troutman,
Eaton,	Miller,	Tulley,
Edwards, of Lawrence,	North,	Walker,
Ellsworth,	Offutt,	Wesner,
Givan,	Ogden,	Whitworth,

Willard,	Willson, of Ripley,	Woollen,
Wilson, of Blackford,	Wood,	Mr. Speaker—78.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

On motion of Mr. Cauthorn,

House Bill No. 119 was taken up, and the amendment proposed by the Senate in relation thereto, was concurred in.

On motion of Mr. Cole,

Engrossed Senate Bill No. 45 was taken up. An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency.

Which bill was read a first time and referred to the select committee on the Tippecanoe Battle Ground.

Mr. Mellett, chairman of the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom was referred House Bill No. 55, having had the same under consideration, report it back with the following amendments and recommend its passage:

That the words, "who shall be a citizen of said county," be inserted after the words "County Superintendent" in line 4 of section 33. That the following be inserted in the third line of section 39, after the word "county," viz.: "He shall attend each Township Institute at least once in each year, when he shall preside at the same and conduct its exercises." In line 7 from the last of same section 39, read "orders" for "advice." In line 21 of section 43 after words, "required of him," insert "in visiting schools," and strike out the rest of the section following, and make it read: "*Provided*, the number of days so allowed in each year for visiting

schools shall not be less than the whole number of schools in such county." In line 4 of section 43 erase "five" and make it "not less than three nor more than ten dollars." Insert "official" after first word of section 7. Erase the period in line 7 of section 8, and insert "and" instead.

Erase all of section 8, after "maps, charts, etc," in 6th line from the last, and in line 3, read as follows, viz: "The change of text books and the care and management of libraries, shall be determined by such board, and each township board shall conform as nearly as practicable to its action. But no text book adopted by the county board shall be changed within three years from the date of such adoption, except from unanimous consent of all the members of such board."

The committee also recommend that the number of section ten, be changed to 15, and the following new sections be incorporated, viz:

SEC. 10. At least one Saturday in each month during which the public schools may be in progress, shall be devoted to township trustees or model schools for the improvement of the teachers, and two Saturdays may be so appropriated at the direction of the township board of education of any township. Such institute shall be presided over by a teacher or other person designated by the board of education of the township. The township trustee shall specify in a written contract with each teacher that such teacher will attend the full session of each institute contemplated herein, or forfeit one days wages for every absence therefrom.

SEC. 11. The present township trustee, together with two township school trustees, to be chosen in the manner hereinafter provided, shall constitute a township board of education. Said Board shall meet on the second Mondays of August, September, March and June, of each year, at the office of the township trustee, and as much oftener as the township trustee shall direct. The majority of said Board shall constitute a quorum. It shall be the duty of said Board to select teachers for the schools of the township, determine the school houses which shall be erected, the additions and alterations which shall be made to the same, and the location of such school houses, to abolish school districts and create new ones, and to make sale of any lands or other property which may have been

required by such township for school purposes. It shall take charge of the educational affairs of the township and build or otherwise provide suitable houses, furniture, apparatus, and other articles of educational appliances necessary for the thorough organization and efficient management of said schools. It may also establish graded schools or such modification of them as may be practicable, and provide for admission into the higher departments of the graded schools from the primary schools of the townships such pupils as are sufficiently advanced for admission. It shall have the care and management of all property, real and personal, belonging to the township corporation for school purposes, and shall have all the power and discharge all the duties now possessed and performed by the township trustees in relation to common schools. Such Board may also, in its discretion, employ a superintendent for the thorough organization and efficient management of the schools of the township.

SEC. 12. It shall be the duty of the auditors of the several counties to appoint the two township school trustees contemplated in the preceding section for the several townships of their respective counties prior to the June session of the county commissioners of the year 1873, subject to confirmation by said commissioners. Such school trustees so appointed shall hold their office until the next succeeding general election, at which time, and at every general election thereafter, their successors shall be chosen by the township electors in the same manner as other township officers are elected. The said school trustees before entering upon the duties of their office shall take and subscribe an oath before the township trustee to faithfully perform the duties of the same. The trustee shall certify the names of school trustees so qualified within ten days after their election or appointment, who shall report the same to the Superintendent of Public Instruction.

SEC. 13. When there shall be a failure to elect the township school trustees, and in case a vacancy shall occur in said office from any cause, in any township, the trustee of that township shall appoint such school trustees, as soon as he is informed of such vacancy, and the person so appointed shall hold his office until the next general election, and when an appointment of school trustee is made by said trustee, he shall make out a certificate of such appointment, and deliver the same to a constable of such township, within

three days thereafter, and such constable shall deliver the same to the person or persons so appointed, and make return thereof to such trustee within seven days thereafter, but any person may be exempt from serving as such school trustee, by paying into the county treasury the sum of ten dollars, for the benefit of the common school fund: *Provided, however*, that no person shall be compelled to serve oftener than one term in six years.

SEC. 14. Any person who shall fail to accept the office of school trustee of his township, and to qualify and serve as such when duly elected or appointed, or to pay the sum specified in the preceeding section, as a commutation therefor, within twenty days after his appointment or election, shall forfeit the sum of ten dollars, to be recovered before any justice of the peace of the township, for the benefit of the common school fund. In case of such failure, the township trustee shall bring suit for such penalty, in the name of the State of Indiana, for the use and benefit of the common school fund, and if there be no such trustee, the county superintendent shall bring such suit, and such penalties so recovered shall be paid into the county treasury.

The committee further recommend that the numbers of sections 9 and 10, be changed to 15 and 16, respectively, to conform to the changes recommended.

Which report was concurred in, the amendment adopted, and,

On motion of Mr. Branham,

Was laid on the table and two hundred copies ordered to be printed for the use of the members of the House.

The Speaker laid before the House the following opinion of the Attorney General.

OFFICE OF ATTORNEY GENERAL,

INDIANAPOLIS, INDIANA,

DECEMBER 16, 1872.

HON. W. K. EDWARDS,

Speaker of the House of Representatives:

In response to the joint resolution of the two Houses of the

General Assembly, I have the honor to transmit the following statement of facts concerning the present condition of the Calumet dam, I find that on the 17th day of July, 1872, a bill was filed in the Circuit Court of Cook county, Illinois, by Charles Pfeiffer and John Roll against the Canal Commissioners of the State of Illinois, and Thomas Smith.

It is averred in the bill that on the 26th day of December, 1864, that complainants and Frank Marchiezeka, August Henneck and Daniel O Robinson, entered into an agreement with the Trustees of the Illinois and Michigan Canal, a board duly organized and having a legal existence under the laws of the State of Illinois, that the same was duly executed, etc., leased to the said parties for fifteen years from said 26th day of December, 1864, the use and occupation of all the surplus water (not required for the use of said canal) on the main line of said canal, said water to be taken out of the feeder near the pool of the Calumet feeder dam, subject to the supervision of the Board of Trustees.

That said lessees were to construct at their own expense, in good and substantial manner such regulating weirs, culverts, head-gates mill-races, or such other devices as shall be considered necessary by the parties of the first part (said trustees).

That it was further agreed that said lease might be renewed for fifteen years on such terms as should be determined (as to price) by three disinterested freeholders. That at the time said lease was made, the people of Cook county living in Blue Island, were exceedingly anxious that a flour mill should be constructed at said dam and operated with the water power, and that said agreement was entered into with the view and for that purpose said agreement was entered into as was well known by said trustees, more especially to be used for the benefit of the farmers in that vicinity. That before entering into said agreement they were informed by said trustees that they should have the permanent use of said water power, and on this being done they purchased the land and erected the mill which was completed and in operation in October, 1866, at a cost of fourteen to fifteen thousand dollars. That complainants are now the sole owners of the mill and ground, having purchased the interest of the other parties, and that they owned a large quantity of land lying near said mill and extending across the river at the point where said dam is situated, that they purchased said property with express reference to the existence of said dam and water power.

That they have complied with the terms of the agreement on their part. That said dam was built in 1848 by the State of Illinois in order to furnish water to the Illinois and Michigan Canal. That from the long continuance thereof the impression has been that it would remain, and said water power would be permanent. That property has been purchased and sold for many years past with reference to and in expectation of its continuance. That the dam is built at the foot of certain rapids in said river, and that the river is navigable from Lake Michigan to that point, a distance of about twelve miles, and that by constructing a lock therein the river would be navigable, as they are informed, for thirty miles further. That the only persons interested and moving for the removal of said dam are certain persons in Indiana owning land upon said river or its branches.

That about the 19th or 20th, — 1872, said Canal Commissioners made some preparations to remove said dam, and sent some men to begin the work, and that thereupon your orators filed their bill in this court against said Trustees and the foreman of the work for an injunction to restrain them from removing the same. That said bill contained substantially the same allegations as the present one; that the injunction was granted, and the writ issued and served on the foreman in charge.

That said bill states that the entire removal of said dam was unnecessary to restore the water to its former and natural level at the State line of Indiana, and that a partial removal would accomplish that purpose, and thus in a measure protect your orators' interest therein; and parties owning land along the river in Indiana would have no reason to complain; *and that an agreement was then made by and between complainants and the Canal Commissioners*; that only the upper four feet of said dam should be removed, and that the remainder should not be disturbed; and your orators were to finish up and secure the balance of said dam, and were not to further prosecute said legal proceedings; and in pursuance of said agreement said dam was lowered four feet, and they boarded up and secured the balance of said dam, in the faith of said agreement, and made the necessary alteration in their machinery to accommodate the altered level of the water, at an expense of two thousand dollars.

That if said dam be removed they will suffer irreparable damage.

That the partial removal of said dam has restored the waters of said river to its natural level at the State line of Indiana, and that its complete removal would be of no further benefit to the owners

of land along the river, in that State, and that the owners along the river in Illinois above said dam, have long since been paid all damage arising therefrom. But your orators claim and insist that their lease being still unexpired, and having been made by competent authority, their rights in the premises are in no way dependent upon these circumstances.

But that within a day or two one Thomas Smith and other persons whose names are unknown to your orators, pretending to be authorized and to be acting for said commissioners of the State of Illinois, have come upon the ground at said dam with suitable implements for tearing away and removing said dam, and threaten to tear down and remove the same, against the protestation of your orators, and thus they will destroy and render valueless the interest of your orators in said mill and property unless prevented by this Court, and that unless an injunction issue by this Court, restraining said work, they will suffer irreparable damage and injury, etc., they therefore pray that an injunction be granted. This petition is signed and sworn to by Charles Pfeiffer, July 17, 1872.

An injunction was ordered by Judge Fanuele, Cook Circuit Court. To this bill a demurrer was filed, and a motion on the part of the Canal Commissioner to quash the return made to the process.

First. Cause of demur is that there is no equity shown in the bill.

Second. That there is a defect of parties; that Marchiezek Henneck Daniel O. Robinson, are proper and necessary parties.

Third. That Joseph Alty, Virgil Heckey and Robert Miller, are necessary parties.

The process was served on Thomas Smith, agent of the company, the commissioners and State officers. I am satisfied that the demurer to this bill must be sustained, and that the motion to quash the service of process will be sustained.

If the demurrer be sustained, complainants can then amend their bill, and then the question as to whether they can show a case in which the court should grant an injunction, will be presented. But if the court should grant an injunction, I think the law is well settled by the decision of the Supreme Court of the United States, in the Wheeling bridge case, that the State of Indiana can file a bill in the United States courts, and have the dam in question removed as a nuisance. 13 Howard, page 518 to 628. This proceeding would necessarily cause some delay, but if the court should, on the final hearing of the cause, now pending, continue the injunction, and

make it perpetual, this will be the only course left open by appeal to the courts.

The Legislature of Illinois, may by legislative action, grant the proper relief.

I take pleasure in saying that Hon. Freeman Church and Mr. George C. Campbell, of the firm of Weston, Campbell and Lawrence, rendered me valuable assistance in making the investigation herein before referred to.

I am with respect, yours, etc.,

J. C. DENNY,

Attorney General.

Which,

On motion,

Was referred to the following joint committee on the part of the House.

Messrs. Wood, Canthorn and Crumpacker

Mr. Hatch introduced

House Bill No. 255. An act supplemental to an act entitled, "An act for the relief of Indiana University and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of said University, regulating the application of the proceeds of the sale thereof, and prescribing the duties of the officers therein mentioned in relation thereto," approved March 2, 1859.

Which was read a first time and referred to the committee on swamp lands.

On motion of Mr. Edwards, of Lawrence,

Senate Bill No. 134 was taken up and referred to the committee on the organization of courts.

Mr. Woollen introduced

House Bill No. 256. An act to regulate the order of business in the Circuit and Common Pleas Courts of this State, to authorize the Judges of said Courts to make orders relating to the time of forming issues of probate matters and the trial of criminal and civil actions, and to repeal all laws in conflict herewith.

Which was read a first time and referred to the committee on the judiciary.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, to-wit:

Engrossed House Bill No. 73. Entitled "A bill fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery.

And the same is herewith returned to the House, with the following amendment to the title, to wit:

Strike out the words "a bill" where it occurs, and insert in lieu thereof "an act," and respectfully ask the concurrence of the House therein.

On motion,

Engrossed House Bill No. 73 was taken up and the amendment proposed by the Senate thereto was concurred in.

The joint committee, on enrolled bills, submitted the following report:

MR. SPEAKER:

Your joint committee, on enrolled bills, respectfully report that on the 16th day of December, 1872, they presented to the Governor, for his signature, the following enrolled act, to wit:

Enrolled Senate Act No. 5. Entitled "An act to require railroad companies to issue stock paid for by taxes voted in aid of the construction of their road," etc.

Also, Enrolled Act No. 32, House of Representatives. Entitled "An act to provide for the time of holding the Court of Common Pleas in the Tenth Judicial District of the State of Indiana, and repealing all laws in conflict therewith," and declaring an emergency.

Also, Enrolled Senate Act No. 68. Entitled an act to amend the second section entitled "An act creating the Twenty-third Common Pleas District, and provisions therefor, and repealing all acts conflicting therewith," approved March 11, 1867, providing for the return of process, and declaring an emergency.

Mr. Troutman offered the following resolution :

WHEREAS, It has heretofore been the custom to vote a copy of the Revised Statutes of this State to the Principal Clerk, Assistant Clerk and Doorkeeper of this House, and,

WHEREAS, There has been nothing of this kind done during this session, therefore, be it

Resolved, That the State Librarian be, and is hereby authorized to furnish to the Principal Clerk, Assistant Clerk and Doorkeeper, each a set of the Revised Statutes of this State and a copy of Cushing's Manual, for their use, as officers of this House.

Pending which,

On motion,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING.

DECEMBER 17, 1872, 9 o'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

On motion of Mr. Wood,

The further reading of the Journal of yesterday was dispensed with.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed the following enrolled bills, to wit:

Enrolled Senate Act No. 51, entitled, "An act to amend section 1 of an act, entitled, 'an act to organize a Supreme Court, and prescribing certain duties of the judges thereof.'"

Also, Enrolled Senate Act No. 52, entitled, "An act dividing the State into five Supreme Court Judicial Circuits, providing for the appointment of one judge of said court to fill vacancy, repealing all laws in conflict therewith, and declaring an emergency."

Also, Enrolled Senate Act No. 5, entitled, "An act to require railroad companies to issue stock paid for by taxes voted for in construction of railroads, to the tax payers or their assigns, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency."

Also, Enrolled Senate Act No. 68, entitled, "An act to amend the second section of an act, entitled, 'an act creating the Twenty-third Common Pleas Circuit, and making provision therefor, and repeal-

ing all conflicting laws," approved March 11, 1867, providing for the return of process, and declaring an emergency.

Also, Enrolled Act of the House No. 32, entitled, "An act to provide for the time of holding the Court of Common Pleas, in the Sixteenth Judicial District of the State, and to repeal all laws in conflict therewith," and declaring an emergency.

And said acts have been delivered to the joint committee on enrolled bills, in accordance with rule No. 4, of the joint rules of both Houses.

Also, I am directed by the Senate to inform the House that the Senate has passed the following Senate bills, to wit:

Engrossed Senate Bill No. 146. "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of this State, and declaring an emergency."

Also, Engrossed Senate Bill No. 40, entitled "An act to amend section second of an act entitled 'An act concerning the organization and perpetuity of voluntary associations,' and repealing an act entitled 'An act concerning the organization of voluntary associations,' and repealing former laws in reference thereto;" approved February 12, 1855; and repealing each act repealed by said act, and authorizing gifts and devises by will to be made to any corporation or for purpose contemplated by this act. approved February 20, 1867, and declaring an emergency to exist.

Also, Engrossed Senate Bill No. 54, entitled "An act to divide the State into Congressional Districts," and the same are herewith transmitted to the House of Representatives.

Mr. Hollingsworth, chairman of the select committee to whom was referred that portion of the Governor's message, and also Senate Bill No. 45, providing for the permanent enclosure of the Tippecanoe Battle Ground, submitted the following report:

MR. SPEAKER:

The select committee to whom was referred that part of the message of His Excellency, Governor Baker, and also Senate Bill No. 45, "A bill providing for the permanent enclosure of the Tippeca-

noe Battle Ground," would beg leave to report that we have carefully performed the duty, and recommend the passage of the bill.

Your committee also find that the ground on which the battle of Tippecanoe was fought was originally purchased by General John Tipton, for the purpose and design of its permanent preservation and protection.

In the year 1831 a number of the then survivors of the battle of Tippecanoe, with many other distinguished citizens of Indiana and Kentucky, assembled on the battle field, and having collected the scattering remains of those who fell in that conflict, deposited them with appropriate funeral rites in a common grave, around which a rude fence was made, enclosing only a few feet of ground where the remains were deposited. This enclosure has long since disappeared, and nothing now remains to mark the spot where lie the bones of the heroic dead who perished in that memorable battle.

In 1833 the General Assembly, by joint resolution, directed the Governor to ascertain from General Tipton the terms upon which a title could be obtained for the State in the ground on which the battle was fought; and thereafter such action was had by the General Assembly, on behalf of the State and General Tipton, that on the 7th day of November, 1836, the battle ground was conveyed to the State in fee simple.

In the correspondence between Governor Noble and General Tipton respecting the conveyance, it was well understood and so expressed in the joint resolution on the subject, that the purpose for which the title was vested in the State was the same as that originally entertained by General Tipton, viz: Its preservation and protection.

Since the title thus acquired by the State, the ground has been twice enclosed by temporary fencing, not a vestage of which now remains. The framers of our present constitution were so impressed with the obligation resting upon the State to protect, for all time from rude disturbance, this sacred ground, that they, by constitutional enactment, recognized the duty in that regard. Section ten, article fifteen of the Constitution, reads as follows:

"It shall be the duty of the General Assembly to provide for the permanent enclosure of the Tippecanoe battle ground."

This constitutional requirement has never been complied with in spirit or letter only to the extent, as before stated, in the erection of temporary fences.

The Board of Commissioners of Tippecanoe county have recently

caused to be made a survey of that portion of the grounds which needed to be enclosed.

Mr. E. M. Talbot, under whose supervision the survey was made, was also charged with the additional duties of making an estimate of the probable cost of a suitable iron fence. The report made by Mr. Talbot to the Board of Commissioners, containing a plat of the survey and an estimate of the cost is herewith submitted and made a part of this report:

From an examination of the plat and report it will be seen that the part to be enclosed will require thirty-three hundred (3300) feet of fence at an estimated cost of twenty-four thousand and one hundred dollars (\$24,100.00*)

Which report was concurred in, and the bill read a second time.

Mr. Woodard moved to suspend to constitutional rule and have the bill read a third time and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Billingsley,	Gregory,	Rumsey,
Broadbuds,	Gronendyke,	Schmuck,
Cauthorn,	Hatch,	Scott,
Clark,	Hedrick,	Shirley,
Claypool,	Hollingsworth,	Spellman,
Cline,	Johnson,	Stanley,
Cobb,	Kimball,	Strange,
Coffman,	King,	Teeter,
Cole,	Kirkpatrick,	Thompson, of Elkhart,
Crumpacker,	Lenfesty,	Thompson, of Spencer,
Durham,	Martin,	Troutman,
Edwards, of Lawrence,	McConnell,	Tulley,
Ellsworth,	McKinney,	Walker,
Eward,	Miller,	Wesner,
Furnas,	North,	Whitworth,
Gifford,	Odle,	Wood,
Givan,	Peed,	Woodard,
Glasgow,	Reeves,	Woollen,
Glazebrook,	Richardson,	Mr. Speaker—59.
Goble,	Rudder,	

Those who voted in the negative were, Messrs.

Anderson,	Butts,	Pfrimmer,
Barrett,	Dial,	Prentiss,
Baxter,	Heller,	Reno,
Blocher,	Isenhower,	Tingley,
Brett,	Jones,	Wilson, of Blackford,
Butterworth,	Offutt,	Willson, of Ripley—18

So the constitutional rule was suspended, the bill read a third time and put upon its passage.

The question being, shall the bill pass? *

Those who voted in the affirmative were, Messrs.

Anderson,	Hatch,	Richardson,
Billingsley,	Hedrick,	Rudder,
Branham,	Heller,	Rumsey,
Brett,	Henderson,	Schmuck,
Broadbudd,	Hollingsworth,	Scott,
Butterworth,	Hoyer,	Shirley,
Butts,	Isenhower,	Shutt,
Cauthorn,	Jones,	Spellman,
Cole,	Kimball,	Stanley,
Cowgill,	King,	Strange,
Crumpacker,	Kirkpatrick,	Thompson, of Elkhart,
Durham,	Lenfesty,	Thompson, of Spencer,
Eaton,	Martin,	Tulley,
Ellsworth,	McConnell,	Walker,
Eward,	McKinney,	Wesner,
Furnas,	Miller,	Whitworth,
Gifford,	North,	Willard,
Givan,	Odle,	Wood,
Glasgow,	Ogden,	Woodard,
Glazebrook,	Peed,	Woollen,
Goble,	Pfrimmer,	Wynn,
Goudie,	Reeves,	Mr. Speaker—71.
Gregory,		

Those who voted in the negative were, Messrs.

Barrett,	Baxter,	Blocher,
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Crumpacker,	Reno,	Wilson of Blackford,
Offutt,	Teter,	Wilson of Ripley—11.
Prentiss,	Tingley,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

The joint committee on enrolled bills beg leave respectfully to report that Enrolled Act No. 37, of the House, entitled, "An act authorizing an appropriation of money out of the State Treasury, for the use of the Indiana University, located at Bloomington, Monroe county, in paying debts created by borrowing money for current expenses in the years 1870 and 1871."

Also, Enrolled Act No. 49 of the House, entitled "An act creating the Twenty-second Judicial Circuit of Indiana, and fixing the time of holding circuit courts therein," and declaring an emergency.

Also, Enrolled Act No. 70 of the House, entitled "An act to make counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein to aid in the construction of railroads opposite such counties in other States to run to such counties or to the State line or river forming the State boundaries bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid," and declaring an emergency.

And, also, Joint Resolution No. 5, entitled "A joint resolution agreeing to and adopting an amendment proposed to the constitution by the last General Assembly, by adding to the tenth article a section in relation to the debt charged upon the Wabash and Erie Canal," have this day been presented to the Governor for his approval and signature, December 14, 1872.

Mr. Broadbuss, chairman of the committee on engrossed bills, submitted the following report:

MR. SPEAKER:

The committee on engrossed bills have compared Engrossed Bills Nos. 113, 130, 148, 171, 174, 211, 178, 179, 188, 191, 210, 212, 218, 219, 223, and 229, with the original copies and find them correctly engrossed.

Mr. Wolfelin introduced

House Bill No. 257. An act to amend the third section of an act entitled, "An act districting the State for Judicial Circuits," approved June 17, 1852.

Which was read a first time.

Mr. Cauthorn moved to suspend the constitutional rule, have the bill read a second time by title, considered as engrossed, read a third time by sections and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Baker,	Crumpacker,	Heller,
Baxter,	Dial,	Henderson,
Billingsley,	Durham,	Hoyer,
Blocher,	Edwards, of Lawrence,	Isenhower,
Branham,	Ellsworth,	Johnson,
Brett,	Eward,	Jones,
Broadbuss,	Furnas,	Kimball,
Butterworth,	Gifford,	King,
Butts,	Givan,	Kirkpatrick,
Canthorn,	Glasgow,	Lenfesty,
Clark,	Glazebrook,	Martin,
Claypool,	Goble,	McKinney,
Cline,	Goudie,	Miller,
Cobb,	Gronendyke,	North,
Coffman,	Hardesty,	Odle,
Cole,	Hatch,	Offutt,
Cowgill,	Hedrick,	Ogden,

Pfrimmer,	Spellman,	Wesner,
Prentiss,	Stanley,	Whitworth,
Reno,	Strange,	Willard,
Richardson,	Teeter,	Wilson, of Blackford,
Riggs,	Thayer,	Willson, of Ripley,
Rumsey,	Tingley,	Wolflin,
Schmuck,	Thompson, of Elkhart,	Wood,
Scott,	Thompson, of Spencer,	Woollen,
Shatt,	Trontman,	Mr. Speaker—78.

Those who voted in the negative were, Messrs.

Anderson,	McConnell,	Rudder—5.
Bowser,	Peed,	

So the constitutional rule was suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cowgill,	Isenhower,
Baker,	Crumpacker,	Johnson,
Barker,	Durham,	Jones,
Barrett,	Eaton,	Kimball,
Baxter,	Edwards, of Lawrence,	King,
Billingsley,	Eward,	Kirkpatrick,
Blocher,	Furnas,	Leufesty,
Bowser,	Gifford,	Martin,
Branham,	Glasgow,	McConnell,
Brett,	Glazebrook,	McKinney,
Broadbuss,	Goble,	Miller
Butterworth,	Goudie,	North,
Butts,	Gronendyke,	Odle,
Cauthorn,	Hardesty,	Offutt,
Clark,	Hatch,	Ogden,
Claypool,	Hedrick,	Pfrimmer,
Cline,	Heller,	Prentiss,
Cobb,	Henderson,	Reno,
Coffman,	Hollingsworth,	Richardson,

Riggs,	Tingley,	Wilson, of Blackford,
Rudder,	Thompson, of Elkhart,	Willson, of Ripley,
Shutt,	Troutman,	Wolfen,
Spellman,	Tulley,	Wood,
Stanley,	Walker,	Woodard,
Strange,	Wesner,	Woollen,
Teeter,	Whitworth,	Mr. Speaker—80.
Thayer,	Willard,	

Those who voted in the negative were, Messrs.

Dial,	Peed,	Thayer,
Ellsworth,	Schmuck,	Thompson of Spencer-6

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Wolfen introduced

House Bill No. 258. An act to amend the first section of an act entitled "An act to create the Fifteenth Judicial Circuit," approved February 22, 1859.

Which was read a first time.

Mr. Cauthorn moved that the constitutional rule be suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Baker,	Broaddus,	Cobb,
Barrett,	Butterworth,	Coffman,
Baxter,	Butts,	Cole,
Blocher,	Cauthorn,	Cowgill,
Bowser,	Clark,	Crumpacker,
Branham,	Claypool,	Eward,
Brett,	Cline,	Furnas,

Givan,	McKinney,	Tingley,
Glasgow,	Miller,	Thompson, of Elkhart,
Glazebrook,	North,	Troutman,
Goble,	Odle,	Tulley,
Goudie,	Offutt,	Walker,
Gregory,	Richardson,	Wesner,
Gronendyke,	Riggs,	Whitworth,
Heller,	Rudder,	Willard,
Johnson,	Rumsey,	Wilson, of Blackford,
Jones,	Scott,	Willson, of Ripley,
Kimball,	Shutt,	Wolfen,
King,	Spellman,	Wood,
Kirkpatrick,	Stanley,	Woollen,
Lenfesty,	Strange,	Wynn,
Martin,	Teter,	Mr. Speaker—64.

Those who voted in the negative were, Messrs.

Anderson,	Isenhower,	Reno,
Ellsworth,	McConnell,	Schmuck,
Hatch,	Peed,	Thompson, of Spencer,
Hoyer,	Pfrimmer,	—11.

So the constitutional rule was suspended, the bill read a second time by its title, considered as engrossed, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cauthorn,	Edwards, of Lawrence,
Baker,	Clark,	Eward,
Barrett,	Claypool,	Furnas,
Baxter,	Cline,	Gifford,
Billingsley,	Cobb,	Givan,
Blocher,	Coffman,	Glasgow,
Bowser,	Cole,	Glazebrook,
Brett,	Cowgill,	Gondie,
Broadus,	Crumpacker,	Gregory,
Butterworth,	Durham,	Gronendyke,
Butts,	Eaton,	Hatch,

Hedrick,	Offutt,	Thayer,
Heller,	Ogden,	Tingley,
Hollingsworth,	Pfimmer,	Thompson, of Elkhart,
Isenhower,	Prentiss,	Troutman,
Johnson,	Richardson,	Walker,
Jones,	Riggs,	Wesner,
Kimball,	Rudder,	Whitworth,
King,	Rumsey,	Wilson, of Blackford,
Kirkpatrick,	Scott,	Willson, of Ripley,
Lenesty,	Shutt,	Wolfli,
Martin,	Spellman,	Wood,
McConnell,	Stanley,	Woodard,
McKinney,	Strange,	Woollen,
Miller,	Teter,	Mr. Speaker—76.
Odle,		

Those who voted in the negative were, Messrs.

Dial,	Reno,	Thompson of Spencer,
Ellsworth,	Schmuck,	Willard.—7.
Reem,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Mr. Kimball, chairman of the committee on ways and means, introduced

House Bill No. 259. An act making specific appropriations for the years one thousand eight hundred and seventy-one, and eighteen hundred and seventy-two.

Which was read a first time, and,

On motion of Mr. Branham,

Was referred to the committee on ways and means.

Mr. Kimball, chairman of the committee on ways and means, submitted the following report :

MR. SPEAKER :

The committee on ways and means to whom was referred House Bill No. 122, providing for appraisement of real estate in all cities of 30,000 or more inhabitants, and providing compensation, have had the same under consideration and beg to report back to the House with the recommendation that it pass.

Which report was concurred in.

The bill read a second time and ordered to be engrossed.

Mr. Kimball, chairman of the committee on ways and means, submitted the following report :

MR. SPEAKER :

The committee on ways and means, to whom was referred House Bill No. 54, to amend an act to secure a just valuation and taxation of all railroad property within this State, etc., have had the same under consideration, and I am instructed to report back to the House with the recommendation that it lie upon the table.

Which report was concurred in and the bill laid upon the table.

Engrossed House Bill No. 113 was taken from the Speaker's table, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Coffman,	Goudie,
Baker,	Cole,	Gronendyke,
Barrett,	Cowgill,	Hardesty,
Baxter,	Crumpacker,	Hatch,
Billingsley,	Eaton,	Hedrick,
Blocher,	Ellsworth,	Heller,
Bowser,	Eward,	Henderson,
Branham,	Furnas,	Hollingsworth,
Broadbush,	Gifford,	Isenhower,
Clark,	Givan,	Johnson,
Claypool,	Glasgow,	Jones,
Cobb,	Glazebrook,	Kimball,

King,	Reno,	Troutman,
Kirkpatrick,	Richardson,	Wesner,
Lenfesty,	Riggs,	Whitworth,
Martin,	Rudder,	Willard,
McConnell,	Schmuck,	Wilson, of Blackford,
McKinney,	Scott,	Willson, of Ripley,
Odle,	Spellman,	Wolflin,
Offutt,	Stanley,	Wood,
Ogden,	Tingley,	Woodard,
Peed,	Thompson, of Elkhart,	Woollen,
Reeves,	Thompson, of Spencer,	Mr. Speaker—69.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

On motion of Mr. Givan,

House Bill No. 56 was taken from the table and placed upon the file.

Engrossed House Bill No. 130 was taken up and read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Clark,	Ellsworth,
Baker,	Claypool,	Eward,
Baxter,	Cobb,	Furnas,
Billingsley,	Coffman,	Givan,
Blocher,	Cole,	Glasgow,
Bowser,	Cowgill,	Glazebrook,
Branham,	Crumpacker,	Goble
Brett,	Dial	Goudie,
Broadbuds,	Durham,	Gregory,
Butterworth,	Eaton,	Gronendyke,

Hardesty,	Offutt,	Teeter,
Hatch,	Ogden,	Thayer,
Hedrick,	Peed,	Tingley,
Heller,	Pfrimmer,	Thompson, of Elkhart,
Henderson,	Prentiss,	Thompson, of Spencer,
Hollingsworth,	Reeves,	Troutman,
Hoyer,	Reno,	Tulley,
Isenhower,	Richardson,	Walker,
Johnson,	Rudder,	Wesner,
Jones,	Ramsey,	Whitworth,
King,	Satterwhite,	Willard,
Kirkpatrick,	Schmuck,	Wilson, of Blackford,
Lenfesty,	Scott,	Willson, of Ripley,
Martin,	Shirley,	Wolfin,
McConnell,	Shutt,	Wood,
McKinney,	Smith,	Woodard,
Miller,	Spellman,	Woollen,
North,	Stanley,	Mr. Speaker—87.
Odle,	Strange,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 148, was taken up, read a third time and put upon its passage.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Brett,	Cobb,
Baker,	Broadlus,	Coffinan,
Barrett,	Butterworth,	Cole,
Baxter,	Butts,	Cowgill,
Billingsley,	Claypool,	Crumpacker,
Bowser,	Cauthorn,	Dial,
Branham,	Cline,	Durham,

Eaton,	Kimball,	Smith,
Ellsworth,	Kirkpatrick,	Spellman,
Eward,	Lenfesty,	Stanley,
Furnas,	Martin,	Strange,
Gifford,	McConnell,	Teter,
Givan,	McKinney,	Thayer,
Glasgow,	Miller,	Tingley,
Glazebrook,	North,	Thompson, of Elkhart,
Goble,	Odle,	Thompson, of Spencer,
Goudie,	Offutt,	Troutman,
Gregory,	Ogden,	Tulley,
Gronendyke,	Pfrimmer,	Wesner,
Hardesty,	Prentiss,	Whitworth,
Hatch,	Reeves,	Willard,
Hedrick,	Reno,	Wilson, of Blackford,
Heller,	Richardson,	Willson, of Ripley,
Henderson,	Riggs,	Wolflin,
Hollingsworth,	Rumsey,	Woodard,
Hoyer,	Satterwhite,	Woollen,
Isenhower,	Schmuck,	Wynn,
Johnson,	Scott,	Mr. Speaker—87.
Jones,	Shirley,	

Those who voted in the negative were, Messrs.

Blocher,	Clark,	Wood—3.
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So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Peed presented a claim in favor of Attorney General Hanna, for extra services, office rent, traveling expenses, as Attorney General, from November 4, 1870 to November 4, 1872, for the sum of four thousand dollars.

Which was referred to the committee on claims.

Engrossed House Bill No. 227 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Goudie,	Rudder,
Baker,	Gregory,	Rumsey,
Barrett,	Gronendyke,	Satterwhite,
Baxter,	Hardesty,	Schnmuck,
Billingsley,	Hatch,	Scott,
Blocher,	Hedrick,	Shirley,
Branham,	Heller,	Shutt,
Brett,	Henderson,	Smith,
Broadbuss,	Hollingsworth,	Spellman,
Butterworth,	Hoyer,	Stanley,
Butts,	Isenhower,	Strange,
Cauthorn,	Jones,	Teeter,
Clark,	King,	Thayer,
Claypool,	Kirkpatrick,	Tingley,
Cline,	Lenfesty,	Thompson, of Elkhart,
Cobb,	Lent,	Thompson, of Spencer,
Coffman,	Martin,	Troutman,
Cowgill,	McConnell,	Tulley,
Crumpaeker,	McKinney,	Walker,
Dial,	Miller,	Wesner,
Durham,	North,	Whitworth,
Eaton,	Odle,	Wilson, of Blackford,
Ellsworth,	Offutt,	Willson, of Ripley,
Furnas,	Ogden,	Wolflin,
Gifford,	Pfrimmer,	Wood,
Givan,	Prentiss,	Woodard,
Glasgow,	Reeves,	Woollen,
Glazebrook,	Richardson,	Wynn,
Goble,	Riggs,	Mr. Speaker—87.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 138 was taken up, read a third time and put upon its passage.

The question being shall the bill pass?

Those who voted in the affirmative, were, Messrs.

Barrett,	Glazebrook,	Richardson,
Billingsley,	Goble,	Riggs,
Bowser,	Goudie,	Scott,
Branham,	Gregory,	Shirley,
Brett,	Gronendyke,	Shutt,
Broadbuss,	Hardesty,	Spellman,
Butts,	Hedrick,	Stanley,
Clark,	Hollingsworth,	Strange,
Claypool,	Isenhower,	Thompson, of Elkhart,
Cobb,	Johnson,	Thompson, of Spencer,
Coffman,	Jones,	Troutman,
Cowgill,	Kimball,	Tulley,
Crumpacker,	King,	Walker,
Dial,	Martin,	Wesner,
Durham,	McConnell,	Wilson of Blackford,
Edwards, of Lawrence,	McKinney,	Wilson, of Ripley,
Ellsworth,	North,	Wolfen,
Eward,	Odle,	Wood,
Furnas,	Offutt,	Woodard,
Gifford,	Pfirmer,	Wynn,
Givan,	Prentiss,	Mr. Speaker—65.
Glasgow,	Reeves,	

Those who voted in the negative, were, Messrs.

Cauthorn,	Reno,	Teeter,
Miller,	Smith,	Tingley—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 223 was taken up, and

On motion of Mr. Riggs, was laid on the table.

Engrossed House Bill No. 198 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Goble,	Richardson,
Barrett,	Goudie,	Riggs,
Baxter,	Gregory,	Rudder,
Billingsley,	Hardesty,	Ramsey,
Blocher,	Hatch,	Satterwhite,
Bowser,	Hedrick,	Schmuck,
Branham,	Heller,	Scott,
Brett,	Henderson,	Shutt,
Broadbus,	Hollingsworth,	Smith,
Butterworth,	Hoyer,	Spellman,
Cauthorn,	Isenhower,	Stanley,
Clark,	Jones,	Strange,
Claypool,	Kimball,	Teeter,
Cline,	King,	Tingley,
Cobb,	Kirkpatrick,	Thompson, of Elkhart,
Coffman,	Lent,	Thompson, of Spencer,
Cole,	Martin,	Troutman,
Cowgill,	McConnell,	Tulley,
Crumpacker,	McKinney,	Walker,
Durham,	North,	Wesner,
Eaton,	Offutt,	Whitworth,
Ellsworth,	Ogden,	Wilson, of Blackford,
Eward,	Peed,	Willson, of Ripley,
Furnas,	Pfrimmer,	Wolfen,
Gifford,	Prentiss,	Woodard,
Givan,	Reeves,	Wynn,
Glazebrook,	Reno,	Mr. Speaker—81.

Those who voted in the negative were, Messrs.

Lenfesty, Wood—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 133, was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gregory,	Rumsey,
Baker,	Gronendyke,	Satterwhite,
Barrett,	Hardesty,	Schmuck,
Baxter,	Hatch,	Scott,
Billingsley,	Hedrick,	Shutt,
Blocher,	Heller,	Spellman,
Bowser,	Henderson,	Stanley,
Branham,	Hollingsworth,	Strange,
Broadbush,	Hoyer,	Teter,
Cauthorn,	Johnson,	Tingley,
Clark,	Jones,	Thompson, of Elkhart,
Claypool,	King,	Thompson, of Spencer,
Cline,	Kirkpatrick,	Troutman,
Cobb,	Lenfesty,	Tulley,
Coffman,	Martin,	Walker,
Cowgill,	McConnell,	Wesner,
Crumpacker,	McKinney,	Whitworth,
Durham,	North,	Wilson, of Blackford,
Edwards, of Lawrence,	Odle,	Wolflin,
Ellsworth,	Offutt,	Wood,
Eward,	Prentiss,	Woollen,
Gifford,	Reeves,	Woodard,
Givan,	Reno,	Wynn,
Glazebrook,	Richardson,	Mr. Speaker—73.
Goble,	Riggs,	

Those who voted in the negative were, Messrs.

Butterworth,	Odgen,	Willard,
Miller,	Pfrimmer,	Willson, of Ripley,—6—

So the bill passed

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

House Bill No. 174, was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Furnas,	Reeves,
Baker,	Gifford,	Reno,
Baxter,	Goble,	Riggs,
Billingsley,	Gregory,	Shutt,
Blocher,	Hedrick,	Teeter,
Bowser,	Hollingsworth,	Thayer,
Branham,	Hoyer,	Tingley,
Broadus,	Johuson,	Thompson, of Spencer,
Clark,	King,	Tulley,
Claypool,	Kirkpatrick,	Walker,
Cline,	Lenfesty,	Whitworth,
Cobb,	Lent,	Willard,
Coffman,	Martin,	Wilson, of Blackford,
Cole,	McKinney,	Willson, of Ripley,
Crumpacker,	North,	Wolflin,
Eaton,	Odle,	Wood,
Edwards, of Lawrence,	Osfutt,	Woodard,
Eward,	Peed,	Mr. Speaker—54.

Those who voted in the negative were, Messrs.

Ellsworth,	Jones,	Spellman,
Givan,	McConnell,	Stanley,
Glazebrook,	Miller,	Strange,
Goudie,	Ogden,	Thompson, of Elkhart,
Hardesty,	Pfrimmer,	Wesner,
Henderson,	Richardson,	Wynn—20.
Isenhower,	Smith,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 164 was taken up, and,

On motion of Mr. Ogden,

Was laid on the table.

On motion,

Senate Bill No. 40 was taken up and read a first time.

An act to amend section second of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'An act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency to exist.

Mr. Ogden moved to suspend the constitutional rule, have the bill read a second time by its title, read a third time by sections and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Goudie,	Pfrimmer,
Baker,	Gronendyke,	Prentiss,
Barrett,	Hatch,	Richardson,
Baxter,	Hedrick,	Riggs,
Bowser,	Heller,	Rudder,
Brett,	Henderson,	Satterwhite,
Broadbus,	Hollingsworth,	Scott,
Butterworth,	Hoyer,	Shirley,
Cauthorn,	Isenhower,	Shutt,
Clark,	Johnson,	Smith,
Coffman,	Jones,	Spellman,
Cole,	Kimball,	Stanley,
Cowgill,	King,	Strange,
Dial,	Kirkpatrick,	Teter,
Durham,	Lenfesty,	Tingley,
Eaton,	Martin,	Thompson, of Elkhart,
Edwards, of Lawrence,	McConnell,	Thompson, of Spencer,
Eward,	McKinney,	Troutman,
Furnas,	Miller,	Tulley,
Gifford,	North,	Walker,
Given,	Odle,	Wesner,
Glasgow,	Offutt,	Whitworth,
Glazebrook,	Ogden,	Willard,
Goble,	Peed,	Wilson, of Blackford,

Wilson, of Ripley, Wood, Mr. Speaker—74.
 Wolfkin, Wynn,

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Riggs,
Baker,	Glazebrook,	Rudder,
Barrett,	Goble,	Rumsey,
Baxter,	Goudie,	Satterwhite,
Billingsley,	Hardesty,	Scott,
Blocher,	Hedrick,	Shutt,
Bowser,	Heller,	Smith,
Branham,	Henderson,	Spellman,
Broadbuss,	Hollingsworth,	Stanley,
Butterworth,	Johnson,	Strange,
Butts,	Jones,	Teeter,
Cauthorn,	Kimball,	Tingley,
Clark,	King,	Thompson, of Elkhart,
Claypool,	Lenfesty,	Thompson, of Spencer,
Cline,	Martin,	Walker,
Cobb,	McConnell,	Wesner,
Coffman,	McKinney,	Whitworth,
Cole,	Miller,	Wilson, of Blackford,
Crumpacker,	North,	Willson, of Ripley,
Eaton,	Odle,	Wolfkin,
Edwards of Lawrence,	Offutt,	Wood,
Eward,	Ogden,	Woodard,
Furnas,	Peed,	Woollen,
Gifford,	Pfrimmer,	Wynn,
Givan,	Prentiss,	Mr. Speaker—75.

Those who voted in the negative were, Messrs.

Kirkpatrick, Troutman—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 177 was taken up, read a third time and put upon its passage

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Rumsey,
Baker,	Glazebrook,	Satterwhite,
Barrett,	Gondie,	Scott,
Baxter,	Gronendyke,	Shirley,
Billingsley,	Hardesty,	Shatt,
Blocher,	Hatch,	Smith,
Bowser,	Hedrick,	Spellman,
Branham,	Heller,	Stanley,
Broadbus,	Henderson,	Strange,
Butterworth,	Hollingsworth,	Teeter,
Butts,	Isenhower,	Tingley,
Cauthorn,	Kimball,	Thompson, of Elkhart,
Clark,	King,	Thompson, of Spencer,
Claypool,	Kirkpatrick,	Troutman,
Cline,	Lenfesty,	Tulley,
Cobb,	Martin,	Walker,
Coffman,	McConnell,	Wesner,
Cole,	McKinney,	Whitworth,
Crumpacker,	Miller,	Wilson, of Blackford,
Durham,	North,	Willson, of Ripley,
Eaton,	Offutt,	Wolfen,
Edwards, of Lawrence,	Ogden,	Wood,
Ellsworth,	Prentiss,	Woodard,
Eward,	Reno,	Woollen,
Gifford,	Riggs,	Wynn,
Givan,	Rudder,	Mr. Speaker—78.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 56, having heretofore failed to pass for want of the constitutional majority, was taken up and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Glazebrook,	Peed,
Barrett,	Gronendyke,	Reeves,
Baker,	Hatch,	Riggs,
Billingsley,	Hedrick,	Rumsey,
Butterworth,	Isenbower,	Satterwhite,
Butts,	Johnson,	Schmuck,
Clark,	Kimball,	Strange,
Cobb,	King,	Thayer,
Cole,	Kirkpatrick,	Thompson, of Spencer,
Eaton,	Lenfesty,	Walker,
Edwards, of Lawrence,	Martin,	Wood,
Furnas,	Miller,	Woodard,
Gifford,	North,	Woollen,
Givan,	Ogden,	Mr. Speaker—42.

Those who voted in the negative were, Messrs.

Baker,	Eward,	Offutt,
Blocher,	Glasgow,	Pfrimmer,
Branham,	Goudie,	Prentiss,
Brett,	Gregory,	Reno,
Broadbuss,	Hardesty,	Richardson,
Cauthorn,	Heller,	Rudder,
Claypool,	Henderson,	Scott,
Cline,	Hollingsworth,	Shutt,
Coffman,	Hoyer,	Smith,
Crumpacker,	Jones,	Spellman,
Dial,	McConnell,	Stanley,
Durham,	McKinney,	Teter,
Ellsworth,	Odle,	Tingley,

Thompson, of Elkhart, Wesner,
 Troutman, Whitworth,
 Tulley, Willard,

Wilson, of Blackford,
 Wolfliu,
 Wynn—48.

On motion of Mr. Branham,

The votes on the passage of House Bill No. 56, just taken, was re-considered, and the bill re-committed to the committee on education with instruction to insert fifteen thousand dollars in lieu of twenty thousand dollars, where the same occurs in the bill.

On motion of Mr. Wolfliu,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

Engrossed House Bill No. 171 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Clark,	Ellsworth,
Barrett,	Claypool,	Eward,
Baxter,	Cline,	Furnas,
Billingsley,	Cobb,	Gifford,
Blocher,	Coffman,	Givan,
Bowser,	Cole,	Glazebrook,
Branham,	Crumpacker,	Goble,
Brett,	Dial,	Gondie,
Butterworth,	Durham,	Gregory,
Butts,	Eaton,	Gronendyke,
Cauthorn,	Edwards, of Lawrence,	Hatch,

Hedrick,	Odle,	Spellman,
Heller,	Offutt,	Stanley,
Hollingsworth,	Ogden,	Strange,
Hoyer,	Peed,	Teeter,
Isenhower,	Pfrimmer,	Thompson, of Elkhart,
Johnson,	Reno,	Thompson, of Spencer,
Kimball,	Richardson,	Walker,
King,	Riggs,	Wesner,
Kirkpatrick,	Rumsey,	Whitworth,
Lenfesty,	Satterwhite,	Wilson, of Blackford,
Lent,	Schmuck,	Woodard,
Martin,	Scott,	Woollen,
McKinney,	Shirley,	Wynn,
Miller,	Shutt,	Mr. Speaker—78.
North,	Smith,	

Those who voted in the negative were, Messrs.

Broadus,	McConnell,	Teeter,
Glasgow,	Prentiss,	Tulley,
Hardesty,	Ruelder,	Wood—9

So the bill passed.

The question being, shall the bill as read stand as the title of the bill?

It was so ordered.

Mr. Miller from the committee on the judiciary, submitted the following report.

MR. SPEAKER:

Your committee on the judiciary to whom was referred House Bill No. 241, entitled "An act to give security to persons who contract with railroad corporations to perform work and labor in the construction of railroads, and declaring an emergency," in compliance with the order of the House this day made, hereby report the same back to the House without recommendation.

Which report was concurred in.

And the bill read a second time.

Mr. Claypool moved that the constitutional rule be suspended, the bill be considered as engrossed, read a third time and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative, were, Messrs.

Anderson,	Goble,	Satterwhite,
Baker,	Goudie,	Schmuck,
Barrett,	Gregory,	Scott,
Baxter,	Gronendyke,	Shirley,
Billingsley,	Hedrick,	Shutt,
Blocher,	Hiller,	Smith,
Bowser,	Henderson,	Spellman,
Branham,	Hollingsworth,	Stanley,
Brett,	Hoyer,	Strange,
Broadbush,	Isenhower,	Teeter,
Butterworth,	Johnson,	Thayer,
Butts,	Jones,	Tingley,
Cauthorn,	Lenfesty,	Thompson, of Elkhart,
Clark,	Martin,	Thompson, of Spencer,
Claypool,	McConnell,	Troutman,
Cline,	McKinney,	Tulley,
Cobb,	Miller,	Walker,
Coffman,	North,	Wesner,
Cole,	Odle,	Whitworth,
Crumacker,	Offutt,	Willard,
Dial,	Ogden,	Wilson, of Blackford,
Durham,	Peele,	Willson, of Ripley,
Eaton,	Pfrimmer,	Wolfen,
Edwards, of Lawrence,	Prentiss,	Wood,
Ellsworth,	Reno,	Woodard,
Eward,	Richardson,	Woollen,
Furnas,	Riggs,	Wynn,
Gifford,	Rudder,	Mr. Speaker—82.
Glazebrook,	Runsey,	

Those who voted in the negative were, Messrs.

King,	Kirkpatrick,	Lent—3.
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So the constitutional rule was suspended, the bill considered as engrossed, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Goble,	Richardson,
Baker,	Goudie,	Riggs,
Barrett,	Gregory,	Rudder,
Baxter,	Gronendyke,	Rumsey,
Billingsley,	Hatch,	Satterwhite,
Blocher,	Hedrick,	Schmuck,
Bowser,	Heller,	Scott,
Branham,	Henderson,	Shirley,
Brett,	Hollingsworth,	Smith,
Broadbush,	Hoyer,	Shutt,
Butterworth,	Izenhower,	Spellman,
Cauthorn,	Johnson,	Stanley,
Clark,	Jones,	Strange,
Claypool,	King,	Teeter,
Cline,	Kirkpatrick,	Tingley,
Cobb,	Lenfesty,	Thompson, of Elkhart,
Coffman,	Lent,	Thompson, of Spencer,
Cole,	Martin,	Tulley,
Crumpacker,	McConnell,	Walker,
Dial,	McKinney,	Wesner,
Durham,	North,	Whitworth,
Eaton,	Odle,	Willard,
Edwards, of Lawrence,	Offutt,	Wilson, of Blackford,
Ellsworth,	Ogden,	Wolfen,
Eward,	Peed,	Wood,
Furnas,	Pfirmer,	Woodard,
Gifford,	Prentiss,	Woollen,
Givan,	Reeves,	Wynn,
Glasgow,	Reno,	Mr. Speaker—88.
Glazebrook,		

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The committee on engrossed bills, submitted the following report :

MR. SPEAKER :

The committee on engrossed bills have examined Engrossed Bills Nos. 60 and 185, with the original copies and find them in all respects properly engrossed.

The joint committee on enrolled acts, submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills, would report that they have examined the enrolled copy of Senate Act No. 45, entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground," and declaring an emergency, with the engrossed copy thereof, and find that the same is correctly enrolled.

Mr. Cauthorn introduced

House Bill No. 260. An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State.

Which was read a first time, and,

On motion of Mr. Cauthorn,

The bill was laid on the table.

On motion of Mr. Cauthorn,

Senate Bill No. 146, was taken up. An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency.

Which bill was read a first time.

Mr. Branham moved

To lay Senate Bill No. 146, and House Bill No. 260, on the table, and that two hundred copies of each be printed for the use of the members of the House.

Whereupon Messrs. Walker and Wolflin demanded the ayes and noes.

Those who voted in the affirmative were Messrs.

Anderson,	Glazebrook,	Rudder,
Baker,	Goble,	Rumsey,
Barrett,	Goudie,	Schmuck,
Baxter,	Gregory,	Shirley,
Blocher,	Heller,	Shutt,
Bowser,	Henderson,	Smith,
Branham,	Hoyer,	Spellman,
Brett,	Isenhower,	Stanley,
Butts,	Jones,	Strange,
Canthorn,	Lent,	Teeter,
Claypool,	Martip,	Tingley,
Cline,	McConnell,	Thompson, of Spencer,
Coffman,	McKinney,	Troutman,
Dial,	Offutt,	Tulley,
Durham,	Peed,	Wesner,
Eaton,	Pfrimmer,	Whitworth,
Ellsworth,	Reeves,	Willard,
Givan,	Reno,	Woollen—55.
Glasgow,	Richardson,	

Those who voted in the negative were, Messes.

Baxter,	Hedrick,	Riggs,
Billingsley,	Hollingsworth,	Satterwhite,
Broadbuss,	Johnson,	Scott,
Butterworth,	Kimball,	Thayer,
Clark,	King,	Thompson, of Elkhart,
Cobb,	Kirkpatrick,	Walker,
Cole,	Lenfesty,	Wilson, of Blackford,
Edwards, of Lawrence,	Mellett,	Willson, of Ripley,
Eward,	Miller,	Wolflin,
Furnas,	North	Wood,
Gifford,	Odle,	Woodard,
Gronendyke,	Ogden,	Wynn,
Hardesty,	Prentiss,	Mr. Speaker—40.
Hatch,		

So the motion to lay upon the table, and print two hundred copies of said bills, prevailed.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to herewith transmit to the House of Representatives, for the signature of the Speaker thereof, the following enrolled acts, to wit:

Enrolled Act No. 45, entitled, "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground."

Also, I am directed by the Senate to inform the House, that the Senate has passed the following bill of the House to-wit:

Engrossed House Bill No. 257, entitled, "A bill to amend the third section of an act, entitled, 'an act districting the State for Judicial Circuits,'" approved June 17, 1852, and the same is herewith transmitted to the House.

Mr. Offutt was granted an indefinite leave of absence.

Mr. Woodard offered the following resolution:

WHEREAS, The committee on employes were fearfully annoyed during its existence; and,

WHEREAS, The annoyance has not yet ceased; and,

WHEREAS, There was a resolution passed by this House, allowing the Doorkeeper to employ James F. Dillie; and,

WHEREAS, The said James F. Dille was so employed by said Doorkeeper, since the commencement of the session; therefore,

Be it resolved, That the proper warrant shall be drawn in favor of said James F. Dille, in order that he may receive suitable compensation for services rendered.

Which was adopted.

The Speaker announced that he had signed Enrolled Senate Act No. 45.

Mr. Glazebrook, from the committee on education, submitted the following report:

MR. SPEAKER:

The committee on education, to whom House Bill No. 56 was recommitted, with instructions to amend the same according to such instructions, report the bill back, and recommend its passage with the following amendment, viz:

After the words "State treasury," in the fourth line in section 1, erase "twenty" and insert "fifteen."

Which report was concurred in, and the amendment adopted, the bill read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Gregory,	Reeves,
Barrett,	Gronendyke,	Riggs,
Baker,	Hardesty,	Rudder,
Billingsley,	Hatch,	Rumsey,
Bowser,	Hedrick,	Satterwhite,
Branham,	Henderson,	Schnuck,
Brett,	Hollingsworth,	Shirley,
Butterworth,	Johnson,	Spellman,
Butts,	Jones,	Strange,
Clark,	Kimball,	Thayer,
Cline,	King,	Thompson, of Elkhart,
Cobb,	Kirkpatrick,	Thompson, of Spencer,
Cole,	Lenfesty,	Troutman,
Cowgill,	Martin,	Walker,
Eaton,	Melletts,	Whitworth,
Edwards, of Lawrence,	North,	Wood,
Furnas,	Odle,	Woodard,
Gifford,	Offutt,	Woollen,
Givan,	Ogden,	Mr. Speaker—59.
Glazebrook,	Peed,	

Those who voted in the negative were, Messrs.

Baxter,	Claypool,	Dunham,
Blocher,	Coffman,	Ellsworth,
Broddus,	Crumpacker,	Eward,
Cauthorn,	Dial,	Glasgow,

Goble,	Pfrimmer,	Teter,
Gondie,	Prentiss,	Tingley,
Heller,	Reno,	Wesner,
Hoyer,	Richardson,	Willard,
Lent,	Scott,	Wilson, of Blackford,
McConnell,	Shutt,	Willson, of Ripley,
McKinney,	Smith,	Wolfen,
Miller,	Stanley,	Wynn—36.

Sothe bill passed.

The question being, shall the title as read stand as the title of the bill ?

It was so ordered.

Mr. Edwards, of Lawrence, from the committee on the organization of courts, submitted the following majority report :

MR. SPEAKER :

Your committee on the organization of courts, to whom was referred Senate Bill No. 134, an act entitled " An act to create the Twenty-sixth Judicial District of the Court of Common Pleas, defining what counties shall compose the same, fixing the time of holding courts therein and the duration of terms thereof, making all process from the present Common Pleas Courts therein returnable to such terms, providing for the appointment of a Judge, and District Attorney for said district, declaring when the same shall take effect, and repealing all laws inconsistent therewith and declaring an emergency, have had the same under consideration, and the majority of your committee beg leave to report the same back to the House, with the recommendation that it pass.

Mr. Shirley, from the committee on the organization of courts, submitted the following minority report :

MR. SPEAKER :

The committee on the organization of courts have had under consideration Senate Bill No. 134, " An act creating the Twenty-sixth Judicial District of the Common Pleas Court, fixing the time of holding courts therein etc. The undersigned members of said committee submit the following minority report :

The said Judges of Common Pleas Court, who now hold courts in said counties, Judge Emerson has twenty-two idle weeks and Judge Coffee nineteen weeks. The law creating said districts, as they now are, can be so amended as to give to each county, under Senate Bill No. 134, all the time they ask under said Senate Bill No. 134, and then leave the present Judge therein idle from two to three months.

The undersigned therefore recommend that Senate Bill No. 134 be indefinitely postponed.

W. S. SHIRLEY,
H. R. CLAYPOOL,
CHAS. G. OFFUTT.

Mr. Satterwhite moved the previous question.

Which motion prevailed.

The question being, shall the minority report be adopted as a substitute to the majority report?

It was so ordered.

The question being, shall the report as adopted be concurred in?

Whereupon, Messrs. Wilson, of Ripley, and Wolflin, demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Glazebrook,	Reno,
Baker,	Goble.	Richardson,
Barrett,	Gregory,	Rudder,
Blocher,	Heller,	Schmuck,
Bowser,	Henderson,	Shirley,
Brett,	Hoyer,	Shutt,
Butterworth,	Isenhower,	Smith,
Claypool,	Jones,	Spellman,
Cline,	Martin,	Stanley,
Coffinan,	McConnell,	Strange,
Dial,	McKinney,	Teter,
Dunham,	Miller,	Tulley,
Eaton,	North,	Wesner,
Ellsworth,	Offutt,	Whitworth,
Eward,	Ogden,	Willard,
Furnas,	Pfrimmer,	Woollen—49.
Givan,		

Those who voted in the negative wtre, Messrs.

Baxter,	Hollingsworth,	Scott,
Billingsley,	Johnson,	Thayer,
Branham,	Kimball,	Tingley,
Broaddus,	King,	Thompson, of Elkhart,
Butts,	Kirkpatrick,	Thompson, of Spencer,
Clark,	Lenfesty,	Troutman,
Cobb,	Lent,	Walker,
Cowgill,	Melletts,	Wilson, of Blackford,
Crumpacker,	Odle,	Wilson, of Ripley,
Edwards, of Lawrence,	Peed,	Wolfin,
Gifford,	Prentiss,	Wood,
Glasgow,	Reeves,	Woodard,
Goudie,	Riggs,	Wynn
Hardesty,	Rumsey,	Mr. Speaker—44.
Hatch,	Satterwhite,	

So the report as adopted was concurred in, and the bill indefinitely postponed.

House Bill No. 136 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass ?

Those who voted in the affirmative were, Messrs.

Anderson,	Cline,	Goble,
Baker,	Cobb,	Goudie,
Barrett,	Coffman,	Gregory,
Baxter,	Cowgill,	Gronendyke,
Billingsley,	Crumpacker,	Hardesty,
Blocher,	Dial,	Hatch,
Bowser,	Durham,	Hedrick,
Branham,	Eaton,	Heller,
Brett,	Ellsworth,	Henderson,
Broaddus,	Eward,	Hollingsworth,
Butterworth,	Furlas,	Hoyer,
Butts,	Gifford,	Isenhower,
Canthorn,	Givan,	Jones,
Clark,	Glasgow,	Kimball,
Claypool,	Glazebrook,	King,

Kirkpatrick,	Richardson,	Thompson, of Spencer,
Lenfesty,	Riggs,	Troutman,
Lent,	Rudder,	Tulley,
Martin,	Rumsey,	Walker,
McConnell,	Schmuck,	Wesner,
Mellett,	Scott,	Whitworth,
Miller,	Shirley,	Willard,
North,	Shutt,	Wilson, of Blackford,
Odle,	Smith,	Willson, of Ripley,
Offutt,	Spellman,	Wolfen,
Ogden,	Stanley,	Wood,
Peed,	Strange,	Woodard,
Pfrimmer,	Teeter,	Woollen,
Prentiss,	Thayer,	Wynn
Reeves,	Thompson, of Elkhart,	Mr. Speaker—93.
Reno,		

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed Enrolled Act of the Senate No. 45, entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground," and declaring an emergency, and the same has been delivered to the committee on enrolled bills in compliance with rule 4, of the joint rules.

Also, I am directed to herewith transmit to the House of Representatives, for the signature of the Speaker thereof, Enrolled Senate Act No. 118. An act to repeal all laws now in force, establishing the time of holding Circuit Courts in the Second Judicial Circuit, o fix the time for holding said courts, reuqiring all process to take

thereof, providing for the return of process and declaring when this act shall take effect.

The Speaker announced that he had signed Enrolled Senate Act No. 118.

Also Enrolled House Act No. 73.

The joint committee on engrossed bills, submitted the following report.

MR. SPEAKER:

Your joint committee on engrossed acts, would respectfully report that they have carefully compared Enrolled Act No. 18, "An act fixing the time of holding the court in the Second Judicial District, etc.," and find the same is correctly enrolled.

The joint committee on enrolled bills, submitted the following report.

MR. SPEAKER:

Your joint committee on enrolled acts, have examined Enrolled Act 73 House of Representatives, entitled "An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationary," and find that the same is correctly enrolled.

The joint committee on enrolled bills, submitted the following report.

MR. SPEAKER:

The committee on enrolled bills respectfully report that they have this day presented to the Governor, for his signature, Enrolled Act of the Senate No. 45, entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, etc., etc.," for his signature, and approved the 17th day of December, 1872.

The joint committee on enrolled bills submitted the following report.

MR. SPEAKER:

Your joint committee on enrolled bills, have carefully compared House Bill No. 257, an act entitled "An act to amend the third section of an act entitled 'An act districting the State for judicial purposes, etc., etc.,'" with the engrossed copy thereof, and find the same corectly enrolled.

The Speaker annnounced that he had signed Enrolled Act No. 257.

The following message was received from the Senate by the Secretary thereof.

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed Enrolled Act of the House No. 73, entitled "An act fixing the per diem and mileage of the members of the General Assembly, and providing that they shall provide their own station-ary," and the same has been delivered to the joint committee on enrolled bills.

Also, I am directed by the President of the Senate to inform the House that he has signed Enrolled Act of the House No. 254, entitled "An act to amend the third section of an act districting the State for Judicial Circuits," approved June 17, 1852, and the same has been delivered to the joint committee on enrolled bills, in compliance with rule No. 4 of the joint rules.

Mr. Troutman moved to reconsider the vote laying Senate Bill No. 146 and House Bill No. 260, on the table, and printing 200 copies for the use of the members of the House.

Mr. Offutt moved to lay the motion to reconsider on the table.

Whereupon Messrs. Walker and Gifford demanded the ayes and noes.

Those who voted in the affirmative were Messrs.

Anderson,	Blocher,	Brett,
Baker,	Bowser,	Canthorn,
Barrett,	Branham,	Claypool,

Cline,	Heller,	Rudder,
Coffman,	Henderson,	Schmuck,
Dial,	Hoyer,	Shirley,
Durham,	Isenhower.	Shutt,
Eaton,	Jones,	Smith,
Ellsworth,	Martin,	Spellman,
Furnas,	McConnell,	Stanley,
Givan,	McKinney,	Strange,
Glasgow,	Offutt,	Teter,
Glazebrook,	Peed,	Tulley,
Goble,	Pfrimmer,	Whitworth,
Goudie,	Reno,	Willard,
Gregory,	Richardson,	Woollen—48.

Those who voted in the negative were, Messrs.

Baxter,	Hedrick,	Satterwhite,
Billingsley,	Hollingsworth,	Scott,
Broadus,	Johnson,	Thayer,
Butterworth,	Kimball,	Tingley,
Butts,	King,	Thompson, of Elkhart,
Clark,	Kirkpatrick,	Thompson, of Spencer,
Cobb,	Lenfesty,	Troutman,
Cole,	Lent,	Walker,
Cowgill,	Miller,	Wesner,
Crumpacker,	North,	Wilson, of Blackford,
Edwards, of Lawrence,	Odle,	Wilson, of Ripley,
Eward,	Ogden,	Wolfen,
Gifford,	Prentiss,	Wood,
Gronendyke,	Reeves,	Woodard,
Hardesty,	Riggs,	Wynn,
Hatch,	Rumsey,	Mr. Speaker—48.

So the motion to lay the motion to reconsider on the table, did not prevail.

Mr. Canthorn moved to adjourn.

Whereupon ten members demanded the ayes and noes.

The question being, shall the House now adjourn?

Those who voted in the affirmative were, Messrs.

Anderson,	Givan,	Reno,
Baker,	Glazebrook,	Richardson,
Barrett,	Goble,	Rudder,
Blocher,	Gregory,	Schmuck,
Bowser,	Heller,	Shirley,
Branham,	Henderson,	Shutt,
Brett,	Hoyer,	Smith,
Cauthorn,	Isenhower,	Spellman,
Claypool,	Jones,	Stanley,
Cline,	Martin,	Strange,
Coffman,	McConnell,	Teeter,
Dial,	McKinney	Tulley,
Durham,	Offutt,	Whitworth,
Eaton,	Peed,	Willard,
Ellsworth,	Pfrimmer,	Woolley.—45.

Those who voted in the negative were, Messrs.

Baxter,	Hatch,	Rumsey,
Billingsley,	Hedrick,	Satterwhite,
Broaddus,	Hollingsworth,	Scott,
Butterworth,	Johnson,	Thayer,
Butts,	Kimball,	Tingley,
Clark,	King,	Thompson, of Elkhart,
Cobb,	Kirkpatrick,	Thompson, of Spencer,
Cole,	Lenfesty,	Troutman,
Cowgill,	Lent,	Walker,
Crumpacker,	Melletts,	Wesner,
Edwards, of Lawrence,	Miller,	Wilson, of Blackford,
Eward,	North,	Wilson, of Ripley,
Furnas,	Odle,	Wolfen,
Gifford,	Ogden,	Wood,
Glasgow,	Prentiss,	Woodard,
Goudie,	Reeves,	Wynn,
Gronendyke,	Riggs,	Mr. Speaker.—52.
Hardesty,		

So the motion to adjourn did not prevail.

Mr. Willson, of Ripley, moved the previous question.

Which motion prevailed.

The question being, shall the vote laying Senate Bill No. 146 and House Bill No. 260 on the table, and printing two hundred copies for the use of the members of the House, be reconsidered?

Those who voted in the affirmative were, Messrs.

Baxter,	Hedrick,	Satterwhite,
Billingsley,	Hollingsworth,	Scott,
Broadus,	Johnson,	Thayer,
Butterworth,	Kimball,	Tingley,
Butts,	King,	Thompson, of Elkhart,
Clark,	Kirkpatrick,	Thompson, of Spencer,
Cobb,	Lenfesty,	Troutman,
Cole,	Lent,	Walker,
Cowgill,	Melletts,	Wesner,
Crumpacker,	Miller,	Wilson, of Blackford,
Edwards, of Lawrence,	North,	Willson, of Ripley,
Eward,	Odle,	Wolfen,
Furnas,	Ogden,	Wood,
Gifford,	Prentiss,	Woodard,
Glazebrook,	Reeves,	Wynn,
Hardesty,	Riggs,	Mr. Speaker—50.
Hatch,	Rumsey,	

Those who voted in the negative were, Messrs.

Anderson,	Durham,	Isenhower,
Baker,	Eaton,	Jones,
Barrett,	Ellsworth,	Martin,
Blocher,	Givan,	McConnell,
Bowser,	Glasgow,	McKinney,
Branham,	Glazebrook,	Offutt,
Brett,	Goble,	Peed,
Cauthorn,	Goudie,	Pfrimmer,
Claypool,	Gregory,	Reno,
Cline,	Heller,	Richardson,
Coffinan,	Henderson,	Rudder,
Dial,	Hoyer,	Schmuck,

Shirley,	Stanley,	Whitworth,
Shutt,	Strange,	Willard,
Smith,	Teeter,	Woollen—47.
Spellman,	Tulley,	

So the motion prevailed, and the vote laying Senate Bill No. 146 and House Bill No 260 on the table and printing two hundred copies for the use of the House, was re-considered.

Mr. Lenfesty moved the previous question.

Which motion prevailed.

The question being, shall Senate Bill No. 146 and House Bill No. 260, lie on the table and two hundred copies be printed for the use of the members of the House?

Whereupon Messrs. Walker and Anderson demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Reno,
Baker,	Glazebrook,	Richardson,
Barrett,	Goble,	Rudder,
Blocher,	Goudie,	Schmuck,
Bowser,	Gregory,	Shirley,
Branham,	Heller,	Shutt,
Brett,	Henderson,	Smith,
Cauthorn,	Hoyer,	Spellman,
Claypool,	Isenhower,	Stanley,
Cline,	Jones,	Strange,
Coffman,	Martin,	Teter,
Dial,	McConnell,	Tulley,
Durham,	McKinney,	Whitworth,
Eaton,	Offutt,	Willard,
Ellsworth,	Peed,	Woollen—47.
Givan,	Pfrimmer,	

Those who voted in the negative were, Messrs.

Baxter,	Broadus,	Butts,
Billingsley,	Butterworth,	Clark,

Cobb,	King,	Thayer,
Cole,	Kirkpatrick,	Tingley,
Cowgill,	Lenfesty,	Thompson, of Elkhart,
Crumpacker,	Lent,	Thompson, of Spencer,
Edwards, of Lawrence,	Melletts,	Troutman,
Eward,	Miller,	Walker,
Furnas,	North,	Wesner,
Gifford,	Odle,	Wilson, of Blackford,
Gronendyke,	Ogden,	Willson, of Ripley,
Hardesty,	Prentiss,	Wolfen,
Hatch,	Reeves,	Wood,
Hedrick,	Riggs,	Woodard,
Hollingsworth,	Rumsey,	Wynn,
Johnson,	Satterwhite,	Mr. Speaker—50.
Kimball,	Scott,	

So the motion did not prevail.

Mr. Kimball moved to refer Senate Bill No. 146 and House Bill No. 260 to the committee on elections.

Mr. Cauthorn moved to refer said bills to a select committee of one from each congressional district.

Mr. Edwards, of Lawrence, moved to lay the motion of Mr. Cauthorn on the table.

Whereupon Messrs. Cauthorn and Richardson demanded the ayes and noes.

The question being, shall the motion of Mr. Cauthorn to refer said bill to a select committee of one from each congressional district, be laid on the table?

Those who voted in the affirmative were, Messrs.

Baxter,	Cole,	Glasgow,
Billingsley,	Cowgill,	Gronendyke,
Broadbush,	Crumpacker,	Hardesty,
Butterworth,	Edwards, of Lawrence,	Hatch,
Butts,	Eward,	Hedrick,
Clark,	Furnas,	Hollingsworth,
Cobb,	Gifford,	Johnson,

Kimball,	Prentiss,	Walker,
King,	Reeves,	Wesner,
Kirkpatrick,	Riggs,	Wilson, of Blackford,
Lenfesty,	Rumsey,	Willson, of Ripley,
Lent,	Satterwhite,	Wolflin,
Melletts,	Thayer,	Wood,
Miller,	Tingley,	Woodard,
North,	Thompson, of Elkhart,	Wynn,
Odle,	Thompson, of Spencer,	Mr. Speaker—50.
Ogden,	Troutman,	

Those who voted in the negative were, Messrs.

Anderson,	Givan,	Reno,
Baker,	Glazebrook,	Richardson,
Barrett,	Goudie,	Rudder,
Blocher,	Gregory,	Schmuck,
Bowser,	Heller,	Shirley,
Branham,	Henderson,	Shutt,
Brett,	Hoyer,	Smith,
Cauthorn,	Isenhower,	Spellman,
Claypool,	Jones,	Stanley,
Cline,	Martin,	Strange,
Coffman,	McConnell,	Teeter,
Dial,	McKinney,	Tulley,
Durham,	Offutt,	Whitworth,
Eaton,	Peed,	Williard,
Ellsworth,	Pfrimmer,	Woollen—45.

So the motion of Mr. Cauthorn to refer said bills to a select committee of one from congressional district, was laid on the table.

Pending the consideration of the motion made by Mr. Kimball to refer Senate Bill No. 146, and House Bill No. 260, to the committee on elections,

On motion of Mr. Eaton,

The House adjourned until to-morrow morning at 9 o'clock A. M.

WEDNESDAY MORNING.

DECEMBER 18, 1872, 9 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

On motion, by Mr. Troutman,

The further reading of the Journal of yesterday was dispensed with.

Mr. Kimball presented the following claim :

State of Indiana to the Republican State Central Committee for rent of rooms from November 13th to December 20th, for use of committees on ways and means, railroad claims, roads, benevolent institutions, federal relations, and other standing and special committees	\$37 00
To gas in said rooms from Nov. 13th to Dec. 20th.....	12 00
To one-half ton anthracite coal.....	6 00
To repairs of stove and gas fixtures, and having coal brought in.....	5 75
Total amount.....	\$60 75

Which was referred to the committee on claims.

Mr. Willson, of Ripley, moved a call of the House.

Those who answered to their names were, Messrs.

Anderson,	Broadbuss,	Coffman,
Baker,	Butterworth,	Cole,
Barrett,	Butts,	Cowgill,
Baxter,	Clark,	Crumpacker,
Billingsley,	Claypool,	Dial,
Blocher,	Cline,	Durham,
Bowser,	Cobb,	Eaton,

Edwards, of Lawrence,	Kirkpatrick,	Shirley,
Ellsworth,	Lenfesty,	Shutt,
Eward,	Lent,	Spellman,
Furnas,	Martin,	Stanley,
Gifford,	McConnell,	Strange,
Givan,	McKinney,	Teeter,
Glasgow,	Melletts,	Thayer,
Glazebrook,	Miller,	Tingley,
Goble,	North,	Thompson, of Elkhart,
Gregory,	Odle,	Thompson, of Spencer,
Gronendyke,	Offutt,	Troutman,
Hardesty,	Ogden,	Tulley,
Hatch,	Peed,	Walker,
Hedrick,	Pfrimmer,	Wesner,
Heller,	Prentiss,	Whitworth,
Henderson,	Reeves,	Wilson, of Blackford,
Hollingsworth,	Reno,	Willson, of Ripley,
Hoyer,	Richardson,	Wolflin,
Ishenower,	Riggs,	Wood,
Johnson,	Rudder,	Woodard,
Jones,	Rumsey,	Woollen,
Kimball,	Satterwhite,	Wynn,
King,	Scott,	Mr. Speaker—91.

On motion of Mr. Billingsley,

The further proceedings under the call of the House was dispensed with.

Mr. Kimball's motion, made on yesterday, to refer Senate bill No. 146, and House Bill No. 260, to the committee on elections, was,

On motion of Mr. Walker,

Laid on the table.

On motion of Mr. Branham,

Senate Bill No. 146 was taken up and read a second time.

Mr. Kimball offered the following amendments :

Amend, at page eight, line seven, by striking out the word "Decatur" after the "and," and by inserting in lieu thereof the word "Jefferson."

Amend, at page eight, line nine, by striking out the words "and Jefferson" and by inserting in lieu thereof the words "Decatur and Rush."

Amend, at page ten, line eight, by striking the words "and Stark."

Amend, at page ten, line nine, by inserting after the word "Marshall" the words "and St. Joseph."

Amend, at page ten, line eleven, by striking out the word "and" before the word "Pulaski," and by inserting after the word "Pulaski" the words "and Starke."

Amend, at page eleven, line twelve, by inserting the words "and Blackford," after the word "Grant."

Amend, at page twelve, line one, by striking out the word "Jay" and by inserting the word "Grant" in lieu thereof.

Amend, at page thirteen, line one, by striking out the word "Blackford" before the words "and Delaware," and by inserting the word "Jay" in lieu thereof.

Amend, at page fourteen, line two, by striking out the word "St. Joseph," and by inserting the word "Marshall" in lieu thereof.

Amend, at page three, line four, by striking out the word "and" before the word "Jennings," and insert "Decatur" after the word "Jennings."

Amend, at page three, line ten, by striking out the word "Morgan," and by inserting the word "Shelby" before the words "and Johnson."

Amend, at page five, line one, by inserting the word "Allen" before the word "Adams," in said line.

Amend, at page five, line six, by striking out the words "and Clinton," and by inserting the word "and" before the word "Tipton."

Amend, at page five, line seven, by inserting the words "and Clinton," after the word "Boone."

Amend, at page five, line twelve, by striking out the word "and" before the word "Union," and inserting the words "and Rush" after the word "Union,"

Amend, at page six, line two, by striking out the word "Shelby," and by inserting in lieu thereof the word "Morgan."

Mr. Wilson, of Ripley, moved the previous question.

Which motion prevailed.

The question being, shall the amendments offered by Mr. Kimball be adopted?

It was so ordered.

Mr. Woollen moved that Senate Bill No. 146 be laid on the table and two hundred copies ordered printed for the use of the members of this House.

Mr. Kimball moved to amend by laying Senate Bill No. 146 on the table, that the amendments be engrossed, two hundred copies printed for the use of the members of this House, that a committee of two be appointed to superintend the printing of said bill, that the consideration of the same be made a special order for to-morrow morning at 10 o'clock on a third reading.

Which amendment Mr. Woollen accepted.

Which motion, as amended, was then adopted.

Whereupon the Speaker appointed Messrs. Kimball and Woollen as such committee.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following House bill, to-wit:

Engrossed House Bill No. 163. A bill to provide for a uniform assessment of property, and for the collection and return of taxes thereon, and the same is herewith returned to the House.

The Speaker announced that he had signed Enrolled House Act No. 119.

Mr. Johnson presented the claim of John H. Holliday, proprietor of the Evening News, for 105 copies of the Evening News for 13 days, at \$2.10 per day, \$27.30.

Which was referred to the committee on claims.

H. J.—36.

On motion of Mr. Walker,
Senate Bill No. 54 was taken up.

An act to divide the State of Indiana into Congressional Districts.
Which was read a first time.

Mr. Walker moved that said bill be laid on the table, two hundred copies of the same be printed for the use of the members of the House, that a committee of two be appointed to superintend the printing of said bill, and that the consideration of the same be made a special order for to-morrow morning at 10 o'clock, on a second reading.

Which motion prevailed.

Whereupon the Speaker appointed Messrs. Kimball and Woollen as such committee.

Mr. Kimball offered the following resolution :

WHEREAS, The gallant service of the union army should be held in sacred and perpetual remembrance. Therefore, be it

Resolved, That we as members of the General Assembly of Indiana, condemn the late action of the Hon. Charles Sumner, in the United States Senate, in relation thereto, and be it further

Resolved, That we heartily concur in the resolution of Congress, to wit: That no measure be taken toward removing from the army register or regimental colors of the United States, the names of the battles of the rebellion.

Which resolution was adopted.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has adopted the following resolution, to wit:

WHEREAS, Senate Bill No. 45, being a bill entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle

Ground, and declaring an emergency," was amended in the Senate by striking out the 6th section, but engrossed copy sent to the House of Representatives contained said 6th section as though it had been adopted as part of the bill by the Senate, and

WHEREAS, The House passed the bill with said 6th section therein, and the same has been enrolled accordingly, therefore,

Resolved, That the House of Representatives be respectfully informed that the bill that passed the Senate is not the same as that passed by the House by reason of its including said 6th section, and that the House be requested to reconsider its action in the passage of said bill to the end that a corrected engrossed copy as it passed the Senate may be furnished to the House for its consideration.

The message of the Senate in relation to Senate Bill No. 45, being a bill entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency."

Was taken up, and

On motion of Mr. Woollen,

The vote on the passage of said bill was reconsidered, and the Clerk ordered to notify the Senate of such reconsideration.

Senate Bill No. 59, was taken up. An act to amend sections twelve, fourteen and eighteen, and to legalize sections fifteen and sixteen of an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to railroad companies," approved May 12, 1869, and declaring an emergency.

Which bill was read a first time and referred to committee on railroads.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to herewith transmit a corrected copy of Senate Bill No. 45, entitled "A bill to provide for the permanent enclosure of the Tippecanoe Battle Ground," as passed by the Senate.

The message of the Senate in relation to a corrected copy of Senate Bill No. 45 was taken up.

A bill to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency.

Which bill was read a first time.

Mr. Woollen moved that the constitutional rule be suspended, the bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Goble,	Reno,
Baxter,	Goudie,	Richardson,
Billingsley,	Gregory,	Riggs,
Blocher,	Hardesty,	Rudder,
Branham,	Hatch,	Satterwhite,
Brett,	Hedrick,	Scott,
Broadbush,	Henderson,	Shirley,
Butterworth,	Hollingsworth,	Shutt,
Butts,	Hoyer,	Smith,
Clark,	Isehower,	Spellman,
Cline,	Johnson,	Strange,
Cobb,	Kimball,	Teter,
Coffman,	King,	Tingley,
Cole,	Kirkpatrick,	Thompson, of Elkhart,
Cowgill,	Lenfesty,	Thompson, of Spencer,
Crumpacker,	Martin,	Troutman,
Dial,	McConnell,	Tulley,
Durham,	McKinney,	Walker,
Eaton,	Miller,	Wessner,
Edwards, of Lawrence,	North,	Whitworth,
Ellsworth,	Odle,	Willard,
Eward,	Ogden,	Wilson, of Blackford,
Gifford,	Peed,	Wood,
Givan,	Pfrimmer,	Woollen,
Glasgow,	Prentiss,	Mr. Speaker—80.
Glazebrook,	Reeves,	

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second

time by its title, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs.

Anderson,	Hatch,	Reeves,
Billingsley,	Hedrick,	Richardson,
Blocher,	Henderson,	Riggs,
Branham,	Hollingsworth,	Rudder,
Brett,	Isenhower,	Satterwhite,
Broadbuss,	Johnson,	Schmuck,
Butterworth,	Jones,	Scott,
Butts,	Kimball,	Shirley,
Clark,	King,	Smith,
Claypool,	Kirkpatrick,	Spellman,
Cline,	Lenfesty,	Stanley,
Cobb,	Lent,	Strange,
Cowgill,	Martin,	Thayer,
Crumpacker,	McConnell,	Tingley,
Durham,	McKinney,	Thompson, of Elkhart,
Edwards, of Lawrence,	Mellett,	Thompson, of Spencer,
Ellsworth,	Miller,	Troutman,
Eward,	North,	Tulley,
Gifford,	Odle,	Walker,
Givan,	Offutt,	Whitworth,
Glazebrook,	Ogden,	Wood,
Goble,	Peed,	Woolen,
Goudie,	Pfrimmer,	Wynn,
Gronendyke,	Prentiss,	Mr. Speaker—73.
Hardesty,		

Those who voted in the negative were, Messrs.

Baxter,	Hoyer,	Teeter,
Bowser,	McConnell,	Wesner,
Dial,	Reno,	Willson of Blackford
Glasgow,	Shutt,	—11.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed Senate Bill No. 115, was taken up.

A bill to prevent extortionate charges for, and unjust discrimination in the transportation of freight by railroad companies and other common carriers, and to provide a remedy when such extortion or discrimination are practiced, and for the assignment of claims.

Which was read a first time and referred to the committee on the judiciary.

Engrossed Senate Bill No. 2 was taken up. A bill to authorize and regulate the incorporation of banks of discount and deposit in the State of Indiana.

Mr. Branham moved to suspend the constitutional rule and have the bill read a first and second time by its title.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Crumpacker,	Jones,
Baker,	Dial,	Kirkpatrick,
Barrett,	Durham,	Martin,
Billingsley,	Ellsworth,	McConnell,
Blocher,	Eward,	McKinney,
Branham,	Gifford,	Melletts,
Brett,	Glasgow,	North,
Broadbuss,	Glazebrook,	Ogden,
Butterworth,	Goble,	Peed,
Butts,	Gondie,	Reeves,
Cauthorn,	Gregory,	Richardson,
Clark,	Hardesty,	Rudder,
Claypool,	Hatch,	Satterwhite,
Cline,	Hedrick,	Schmuck,
Cobb,	Henderson,	Scott,
Coffman,	Hollingsworth,	Shutt,
Cole,	Hoyer,	Smith,
Cowgill,	Johnson,	Spellman,

Stanley,	Thompson, of Elkhart,	Wood,
Teter,	Thompson, of Spencer,	Woollen,
Thayer,	Troutman,	Wynn,
Tingley,	Whitworth,	Mr. Speaker—66.

Those who voted in the negative were, Messrs.

Bouser,	King,	Wesner,
Edwards, of Lawrence,	Lenfesty,	Wilson, of Blackford,
Givan,	Miller,	Willard—11.
Gronendyke,	Walker,	

So the constitutional rule was suspended, and the bill read a first and second time by its title.

Mr. Woollen offered the following amendments :

Amend Senate Bill No. 2, by inserting the two following sections :

SECTION 18. The Auditor of State, with the approbation of the Governor, as often as shall be deemed necessary or proper, shall appoint a suitable person or persons, to make an examination of the affairs of every banking association under this act, which person shall not be a director or other officer in any association whose affairs he shall be appointed to examine ; and who shall have power to make a thorough examination into all the affairs of the association, and in doing so, to examine any of the officers and agents thereof on oath, and shall make a full and detailed report of the condition of the association to the Auditor, and the association shall not be subjected to any other visitorial powers than such as are authorized by this act, except such as are vested in the several courts of the State ; and every person appointed to make such examinations, shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined. That every association formed under the provisions of this act shall make, to the Auditor of the State, not less than five reports during each and every year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president, cashier, or other managing agent of such association

which report shall exhibit in detail and under appropriate heads, the resources and liabilities of the association at the close of business, on any past day to be by him specified, and shall transmit such report to the said Auditor, within five days after the receipt of a request or requisition therefor from him, and the report of each association above required, in the same form in which it is made to the Auditor, shall be published in the place where such association is established, or if there be no newspaper in the place, then in one published nearest thereto, in the same county, or an adjoining county, at the expense of the association, and such proof of publication shall be furnished as may be required by the said Auditor; and the said Auditor shall have power to call for special reports from any particular association whenever in his judgment the same be necessary in order to a full and complete knowledge of its condition. Any association failing to make and transmit any such report, shall be subject to a penalty of one hundred dollars for each day after five days, that such bank shall delay to make and transmit any such report as aforesaid, to be recovered in any court having jurisdiction in an action instituted by the Auditor of State, on the relation of the State of Indiana, and when so recovered, shall be placed into the treasury of State, on account of the general fund.

Amend said bill further, by changing the emergency section from No. 18 to No. 20.

Which amendments were adopted.

On motion of Mr. Cobb,

The bill was laid on the table, and two hundred copies ordered to be printed for the use of the members of the House.

Engrossed Senate Bill No. 87 was taken up: "An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same, and declaring an emergency.

Which was read a first time.

Mr. Baker moved that the constitutional rule be suspended, the

bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Riggs,
Baker,	Goble,	Rudder,
Barrett,	Goudie,	Satterwhite,
Baxter,	Gronendyke,	Shirley,
Billingsley,	Heller,	Shutt,
Blocher,	Henderson,	Spellman,
Bowser,	Hollingsworth,	Strange,
Broadbuss,	Hoyer,	Teeter,
Butterworth,	Jones,	Thayer,
Butts,	Kimball,	Tingley,
Cauthorn,	King,	Thompson, of Elkhart,
Clark,	Kirkpatrick,	Thompson, of Spencer,
Claypool,	Lenfesty,	Troutman,
Cline,	Lent,	Tulley,
Cobb,	Martin,	Walker,
Coffman,	McConnell,	Wesner,
Cole,	McKinney,	Whitworth,
Cowgill,	Miller,	Willard,
Crumpacker,	North,	Wilson, of Blackford,
Dial,	Odle,	Wilson, of Ripley,
Durham,	Ogden,	Wolfen,
Eaton,	Peed,	Wood,
Ellsworth,	Pfimmer,	Woodard,
Eward,	Prentiss,	Woollen,
Furnas,	Reeves,	Wynn,
Gifford,	Reno,	Mr. Speaker.—79.
Givan,		

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Hardesty,	Riggs,
Baker,	Hatch,	Rudder,
Barrett,	Hedrick,	Scott,
Baxter,	Heller,	Shirley,
Billingsley,	Henderson,	Shutt,
Blocher,	Hollingsworth,	Spellman,
Broaddus,	Hoyer,	Strange,
Cauthorn,	Johnson,	Teeter,
Clark,	Jones,	Thayer,
Cline,	Kimball,	Tingley,
Cobb,	King,	Thompson, of Elkhart,
Coffman,	Kirkpatrick,	Thompson, of Spencer,
Cole,	Lenfesty,	Troutman,
Cowgill,	Martin,	Tulley,
Dial,	McConnell,	Walker,
Eaton,	McKinney,	Wesner,
Ellsworth,	Melletts,	Whitworth,
Eward,	Miller,	Willard,
Furnas,	North,	Wilson, of Blackford,
Gifford,	Odle,	Wolflin,
Givan,	Ogden,	Wood,
Glasgow,	Peed,	Woodard,
Glazebrook,	Pfrimmer,	Woollen,
Goble,	Prentiss,	Wynn,
Goudie,	Reeves,	Mr. Speaker—79.
Gronendyke,	Reno,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed Senate Bill No. 159 was taken up. "An act to provide for the submission to the qualified electors of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana therein mentioned," and declaring an emergency.

Which was read a first time and passed to second reading.

House Bill No. 191 was taken up and read a third time.

Whereupon, Mr. Furnas offered the following amendment :

Strike out the word "felony" in section —, and insert in lieu thereof the word misdemeanor, and amend the title in accordance therewith.

Which amendment was adopted and the bill as amended was,

On motion,

Re-committed to the committee on agriculture.

By consent, Mr. Mellett introduced

House Bill No. 261. An act to amend section 1 of an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed.

Which was read a first time, and,

On motion of Mr. Mellett,

Was referred to the committee of the whole House and made a special order for to-morrow at 11 o'clock A. M.

House Bill No. 185 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Butterworth,	Dial,
Baker,	Butts.	Durham,
Baxter,	Cauthorn,	Eaton,
Billingsley,	Claypool,	Edwards, of Lawrence,
Blocher,	Cobb,	Ellsworth,
Bowser,	Coffman,	Furnas,
Branham,	Cole,	Gifford,
Broadus,	Cowgill,	Givan,

Glasgow,	Odle,	Tingley,
Glazebrook,	Peed,	Thompson, of Elkhart,
Goudie,	Pfrimmer,	Thompson, of Spencer,
Gregory,	Prentiss,	Troutman,
Gronendyke,	Reeves,	Tulley,
Hedrick,	Richardson,	Walker,
Hollingsworth,	Riggs,	Wesner,
Hoyer,	Rudder,	Whitworth,
Jones,	Satterwhite,	Willard,
Kimball,	Scott,	Wilson, of Blackford,
King,	Shirley,	Willson, of Ripley,
Kirkpatrick,	Shutt,	Wood,
Lenfesty,	Spellman,	Woodard,
Martin,	Stanley,	Woollen,
McConnell,	Strange,	Wynn,
McKinney,	Teter,	Mr. Speaker—76.
North,	Thayer,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The Speaker announced that he had signed Enrolled Senate Act No. 45.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to herewith transmit to the House of Representatives, for the signature of the Speaker thereof,

Enrolled act of the Senate No. 45. Entitled an act to provide for the permanent enclosure of the Tippecanoe battle ground, and declaring an emergency.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills have carefully compared Senate Enrolled Act No. 45, entitled an act for the permanent enclosure of the Tippecanoe battle ground, and declaring an emergency, and find that the same has been correctly enrolled December 18th, 1872.

On motion of Mr. Blocher,

The House adjourned until 2 o'clock p. m.

AFTERNOON SESSION, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

Engrossed House Bill No. 167 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cowgill,	Heller,
Baker,	Crumpacker,	Hollingsworth,
Barrett,	Dial,	Johnson,
Baxter,	Eaton,	Kimball,
Blocher,	Edwards, of Lawrence,	King,
Bowser,	Ellsworth,	Kirkpatrick,
Branham,	Eward,	Leafesty,
Brett,	Furnas,	Martin,
Broadbuss,	Gifford,	McConnell,
Cauthorn,	Givan,	McKinney,
Clark,	Glasgow,	Miller,
Claypool,	Glazebrook,	North,
Cline,	Goble,	Odle,
Cobb,	Hardesty,	Offut,
Coffinan,	Hatch	Ogden,
Cole,	Hedrick,	Peed,

Pfrimmer	Shirley,	Tulley,
Prentiss,	Shutt,	Walker,
Reno,	Smith,	Whitworth,
Richardson,	Spellman,	Willard,
Riggs,	Strange,	Wilson, of Blackford,
Rudder,	Teeter,	Wolfli,
Rumsey,	Tingley,	Wood,
Satterwhite,	Thompson, of Elkhart,	Woollen,
Schmuck,	Thompson, of Spencer,	Wynn,
Scott,	Troutman,	Mr. Speaker—78.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Mr. Cauthorn moved a call of the House.

Those answering to their names, were Messrs.

Anderson,	Eward,	McConnell,
Barrett,	Furnas,	McKinney,
Baxter,	Gifford,	Miller,
Blocher,	Givan,	North,
Bowser,	Glasgow,	Odle,
Branham,	Goble,	Offutt,
Brett,	Gregory,	Ogden,
Cauthorn,	Hardesty,	Peed,
Clark,	Hatch,	Pfrimmer,
Cline,	Hedrick,	Prentiss,
Cobb,	Heller,	Reeves,
Coffman,	Hollingsworth,	Reno,
Cole,	Hoyer,	Richardson,
Crumpaeker,	Johnson,	Riggs,
Dial,	Kimball,	Rudder,
Durham,	King,	Rumsey,
Eaton,	Kirkpatrick,	Satterwhite,
Edwards, of Lawrence,	Lentesty,	Schmuck,
Ellsworth,	Martin,	Scott,

Shirley,	Thompson, of Elkhart,	Willard,
Shutt,	Thompson, of Spencer,	Wilson, of Blackford,
Smith,	Troutman,	Wolfelin,
Spellman,	Tulley,	Wood,
Strange,	Walker,	Woollen,
Teeter,	Wesner,	Wynn,
Tingley,	Whitworth,	Mr. Speaker—78.

On motion,

The further proceedings under the call was dispensed with.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they, this 18th day of December, 1873, presented to the Governor for his approval, Enrolled Senate Act No. 45, entitled an act to provide for the permanent enclosure of the Tippecanoe battle ground, and declaring an emergency.

Engrossed House Bill No. 170 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Cobb,	Goudie,
Baker,	Coffman,	Gregory,
Barrett,	Cole,	Gronendyke,
Baxter,	Cowgill,	Hardesty,
Billingsley,	Crumpacker,	Hatch,
Blocher,	Dial,	Hedrick,
Bowser,	Durham,	Heller,
Branham,	Eaton,	Henderson,
Brett,	Edwards, of Lawrence,	Hollingsworth,
Broadbush,	Ellsworth,	Hoyer,
Cauthorn,	Furnas,	Johnson,
Clark,	Gifford,	Kimball,
Claypool,	Glasgow,	King,
Cline,	Goble,	Kirkpatrick,

Lenfesty,	Riggs,	Thompson, of Spencer,
Martin,	Rudder,	Troutman,
McConnell,	Satterwhite,	Tulley,
McKinney,	Schmuck,	Walker,
Miller,	Scott,	Wesner,
North,	Shirley,	Whitworth,
Odle,	Shutt,	Willard,
Ofutt,	Smith,	Wilson, of Blackford,
Ogden,	Spellman,	Willson, of Ripley,
Peed,	Stanley,	Wolfen,
Pfrimmer,	Strange,	Wood,
Prentiss,	Teeter,	Woollen,
Reno,	Tingley,	Wynn,
Reeves,	Thompson, of Elkhart,	Mr. Speaker—86.
Richardson,		

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

By consent of the House Mr. Wilson, of Ripley, from the committee on the organization of courts, submitted the following report:

MR. SPEAKER:

Your committee on the organization of courts, to whom was referred House Bill No. 214, entitled "A bill to amend sections twenty-five and twenty-six of an act, entitled 'An act regulating descents and the apportionments of estates,'" approved May 14, 1852, have had the same under consideration and request me to report the same back to the House with the following amendments, viz:

After the word "intestate" in line nine, section first, insert the following words, "leaving no child or children but." Also after the words "two thousand," in line seventeen, section first, insert the word "dollars," and when so amended recommend its passage.

Which report was concurred in, the amendments adopted, the bill as amended read the third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Goudie,	Rumsey,
Barrett,	Gronendyke,	Satterwhite,
Baxter,	Hardesty,	Schmuck,
Billingsley,	Hatch,	Scott,
Bowser,	Hedrick,	Shirley,
Branham,	Heller,	Shutt,
Brett,	Hollingsworth,	Spellman.
Butts,	Hoyer,	Stanley,
Cauthorn,	Johnson,	Strange,
Clark,	Kimball,	Teeter,
Claypool,	King,	Tingley,
Cline,	Lenfesty,	Thompson, of Elkhart,
Coffman,	Martin,	Thompson, of Spencer,
Cole,	McConnell,	Troutman,
Cowgill,	McKinney,	Tulley,
Crumpacker,	Miller,	Walker,
Dial	North,	Wesner,
Durham,	Odle,	Whitworth,
Eaton,	Offutt,	Wilson, of Blackford,
Ellsworth,	Ogden,	Willson, of Ripley,
Eward,	Prentiss,	Wolfen,
Furnas,	Reeves,	Wood,
Gifford,	Reno,	Woollen,
Glasgow,	Richardson,	Wynn,
Glazebrook,	Riggs,	Mr. Speaker—79.
Goble		

Those who voted in the negative were, Messrs.

Anderson,	Peed,	Rudder,
Butterworth,	Pfrimmer,	Willard—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Wesner offered the following additional section to be incorporated in the Specific Appropriation Bill.

SEC. —. To pay for holding adjourned or special terms of the Circuit or Common Pleas Courts, and to Judges called to try causes in the Common Pleas Courts in cases where a change of venue has been taken from the Judges, including such services therein rendered, since the adjournment of the last session of the General Assembly, the sum of thirty-five hundred dollars is hereby appropriated: *Provided*, The per diem paid to Judges shall not exceed ten dollars per day.

Which was referred to the committee on ways and means with instructions to insert the same in the specific appropriation bill.

Engrossed House Bill No. 178, was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Given,	Reeves,
Brett,	Glazebrook,	Reno,
Baxter,	Goble,	Richardson,
Billingsley,	Goudie,	Riggs,
Bowser,	Gregory,	Satterwhite,
Branham,	Gronendyke,	Schmuck,
Broadus,	Hedrick,	Scott,
Butterworth,	Heller,	Shutt,
Cauthorn,	Hollingsworth,	Smith,
Clarke,	Hoyer,	Spellman,
Claypool,	Kimball,	Stanley,
Cline,	King,	Strange,
Cole,	Kirkpatrick,	Teeter,
Cowgill,	Lenfesty,	Tingley,
Crumpacker,	Martin,	Thompson, of Elkhart,
Dial,	McConnell,	Thompson, of Spencer,
Eaton,	McKinney,	Troutman,
Edwards, of Lawrence,	Miller,	Tully,
Ellsworth,	North,	Walker,
Eward,	Offutt,	Wesner,
Furnas,	Ogden,	Whitworth,
Gifford,	Pfrimmer,	Willard,

Wilson, of Blackford, Wood,
Willson, of Ripley, Woollen,
Wolfin,

Wynn,
Mr. Speaker—74.

Those who voted in the negative were, Messrs.

Baker,

Blocher—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The committee on engrossed bills submitted the following report:

MR. SPEAKER:

The committee on engrossed bills have examined Engrossed Bill No. 122, with the original copy, and find it correctly engrossed.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they have compared Enrolled Act No. 40, Senate, entitled "An act to amend section second of an act concerning the organization and perpetuity of voluntary associations, and repealing, etc.," with the original and find the same correctly enrolled.

Engrossed House Bill No. 179 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,
Barrett,
Baxter,
Billingsley,
Bowser,

Brett,
Broadus,
Cauthorn,
Claypool,
Coffman,

Durham,
Eaton.
Furnas,
Gregory,
Heller,

Henderson,	Peed,	Tulley,
Kimball,	Reeves,	Walker,
King,	Riggs,	Wesner,
Kirkpatrick,	Satterwhite,	Whitworth,
Lenfesty,	Stanley,	Wilson, of Blackford,
Martin,	Strange,	Willson, of Ripley,
McConnell,	Teeter,	Wolfen,
Miller,	Tingley,	Wood,
North,	Thompson, of Elkhart,	Woollen,
Offutt,	Thompson, of Spencer,	Wynn,
Ogden,	Troutman,	Mr. Speaker—46.

Those who voted in the negative were, Messrs.

Baker,	Edwards, of Lawrence,	Hoyer,
Blocher,	Ellsworth,	McKinney,
Branham,	Eward,	Pfimmer,
Butterworth,	Gifford,	Reno,
Butts,	Givan,	Richardson,
Clark,	Glasgow,	Rudder,
Cline,	Glazebrook,	Rumsey,
Cobb,	Goudie,	Schmuck,
Cowgill,	Hardesty,	Shutt,
Crumpacker,	Hedrick,	Spellman—31.
Dial,		

So the bill failed to pass for the want of the constitutional majority.

Mr. Shirley presented the claim of the Singer Manufacturing Company for rent of room for the committee on organization of courts and corporations, \$13.33, which was referred to the committee on claims.

The following communication was presented by Mr. Peed :

STATE OF INDIANA, OFFICE OF SECRETARY OF STATE,
INDIANAPOLIS, DECEMBER 18, 1872.

*Hon. Nathan Kimball, Chairman of the
Committee on Ways and Means :*

SIR: For the past twelve years an appropriation of \$1,000 per

year has been made for the incidental expenses of the office of Secretary of State. The last Legislature, while adding very materially to the duties of the office by the third section of the fee and salary act cut off all, or nearly all the fees which formerly appertained to it, and that, owing to the abrupt termination of the last session it failed to make the usual appropriations for the incidental expenses of said office. In view of the circumstances, would respectfully ask of your committee to recommend the appropriation of \$1,000 per year for the years 1871 and 1872, being the same amount heretofore appropriated to the office of Secretary of State for the incidental expenses thereof.

Very respectfully,

JOHN H. FARQUHAR,

Secretary of State.

Engrossed House Bill No. 187, was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	King,	Thayer,
Claypool,	Riggs,	Thompson, of Elkhart,
Edwards, of Lawrence,	Rumsey,	Tulley,
Eward,	Satterwhite,	Mr. Speaker—14.
Kimball,	Scott,	

Those who voted in the negative were, Messrs.

Anderson,	Crumpacker,	Gregory.
Barrett,	Dial,	Gronendyke,
Baxter,	Durham,	Hardesty,
Billingsley,	Eaton,	Hatch.
Blocher,	Ellsworth,	Hedrick,
Branham,	Furnas,	Heller,
Broaddus,	Gifford,	Hollingsworth,
Butterworth,	Givan,	Hoyer,
Butts,	Glasgow,	Kirkpatrick,
Cline,	Glazebrook,	Lenfesty,
Cobb,	Goble,	Martin,
Coffman,	Goudie,	McKinney,

Odle,	Shirley,	Walker,
Offutt,	Shutt,	Wesner,
Peed,	Spellman,	Whitworth,
Pfrimmer,	Stanley,	Willard,
Prentiss,	Strange,	Wilson, of Blackford,
Reeves,	Teeter,	Wolfen,
Reno,	Tingley,	Wood,
Richardson,	Thompson, of Spencer,	Woollen,
Rudder,	Troutman,	Wynn—64.
Schmuck,		

So the bill did not pass.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following concurrent resolution, to wit:

Be it resolved by the Senate (the House of Representatives concurring therein), That the Attorney General be, and he is hereby directed and authorized to take all proper steps that he may deem advisable to procure the removal of the dam across the Calumet river, at Blue Island, in the State of Illinois.

Be it further resolved, That the Governor be and is hereby authorized to pay out of the Contingent Fund, such expenses as may be incurred by the Attorney General in carrying out the object of this resolution.

On motion of Mr. Cauthorn,

The Senate's concurrent resolution, directing and authorizing the Attorney General to take all proper steps that he may deem advisable to procure the removal of this dam across the Calumet river, at Blue Island, in the State of Illinois, and also authorizing the Governor to pay the expenses of the Attorney General incurred in carrying out the object of said resolution, was taken from the Speaker's table, and,

On motion,

Concurred in.

Engrossed House Bill No. 188, was taken up, read a third time and put upon its passage.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Glazebrook,	Scott,
Barrett,	Goble,	Shirley,
Baxter,	Goudie,	Shutt,
Billingsley,	Gregory,	Smith,
Blocher,	Gronendyke,	Spellman,
Branham,	Hedrick,	Strange,
Brett,	Hoyer,	Teter,
Broadbus,	Johnson,	Thayer,
Butts,	King,	Tingley,
Cauthorn,	Lenfesty,	Thompson, of Elkhart,
Clark,	Martin,	Troutman,
Claypool,	McConnell,	Tulley,
Cline,	McKinney,	Walker,
Coffman,	Miller,	Wesner,
Cole,	Odle,	Whitworth,
Cowgill,	Offutt,	Willard,
Crumpacker,	Ogden,	Wilson, of Blackford,
Dial,	Peed,	Willson, of Ripley,
Durham,	Pfrimmer,	Wolfen,
Ellsworth,	Reeves,	Wood,
Furnas,	Reno,	Woollen,
Gifford,	Riggs,	Wynn,
Givan,	Rudder,	Mr. Speaker—71.
Glasgow,	Schmuck,	

Those who voted in the negative were, Messrs.

Butterworth,	Hardesty,	Richardson,
Cobb,	Hatch,	Rumsey,
Edwards, of Lawrence,	Heller,	Stanley,
Eward,	Kirkpatrick,	Thompson, of Spencer,
		—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed House Bill, to wit:

Engrossed House Bill No. 90. Entitled "A bill touching public squares in towns laid out, platted and recorded with public grounds not specially dedicated, and the matters therewith connected."

Also, Engrossed House Bill No. 93. A bill authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.

Also, I am directed by the President of the Senate to inform the House of Representatives that the President has signed Enrolled Act No. 119 of the House, entitled "An act in relation to organizing the two Houses of the General Assembly, and defining certain duties of certain officers in relation thereto, and declaring an emergency."

Also, that he has signed Enrolled Act of the Senate No. 45, entitled "An act to provide for the permanent enclosure of the Tippecanoe Battle Ground, and declaring an emergency."

And the same has been delivered to the joint committee on enrolled bills, in compliance with the joint rules of both Houses.

Engrossed House Bill No. 210 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baker,	Goble,	Reno,
Baxter,	Goudie,	Riggs,
Billingsley,	Gregory,	Rudder,
Brett,	Gronendyke,	Rumsey,
Broadus,	Hardesty,	Schmuck,
Butterworth,	Hatch,	Shatt,
Butts,	Heller,	Smith,
Cauthorn,	Hollingsworth,	Spellman,
Clark,	Kimball,	Stanley,
Claypool,	King,	Strange,
Coffman,	Kirkpatrick,	Teeter,
Cole,	Lenfesty,	Tingley,
Crumpacker,	Martin,	Thompson, of Elkhart,
Dial,	McConnell,	Thompson, of Spencer,
Eaton,	McKinney,	Troutman,
Edwards, of Lawrence,	Miller,	Walker,
Ellsworth,	North,	Wesner,
Eward,	Odle,	Whitworth,
Furnas,	Ogden,	Wilson, of Blackford,
Gifford,	Peed,	Wood,
Givan,	Pfrimmer,	Woollen,
Glasgow,	Prentiss,	Wynn,
Glazebrook,	Reeves,	Mr. Speaker—71.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Engrossed House Bill No. 211 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Baker,	Barrett,
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Baxter,	Hardesty,	Riggs,
Billingsley,	Hatch,	Rudder,
Branham,	Hedrick,	Rumsey,
Brett,	Heller,	Satterwhite,
Broadus,	Hollingsworth,	Schmuck,
Butterworth,	Hoyer,	Scott,
Butts,	Johnson,	Shutt,
Cauthorn,	Kimball,	Spellman,
Clark,	King,	Stanley,
Claypool,	Kirkpatrick,	Teetr,
Cobb,	Lenfesty,	Thayer,
Cole,	Martin,	Tingley,
Cowgill,	McConnell,	Thompson, of Elkhart,
Crumpacker,	McKinney,	Thompson, of Spencer,
Dial,	Miller,	Troutman,
Eaton,	North,	Tulley,
Edwards, of Lawrence,	Odle,	Walker,
Ellsworth,	Offutt,	Wesner,
Eward,	Ogden,	Whitworth,
Furnas,	Peed,	Wilson, of Blackford,
Gifford,	Pfrimmer,	Wolflin,
Glasgow,	Prentiss,	Woodard,
Glazebrook,	Reeves,	Woollen,
Goble,	Reno,	Wynn,
Goudie,	Richardson,	Mr. Speaker—79.
Gronendyke,		

Those who voted in the negative were, Messrs.

Blocher,	Durham,	Eaton—4.
Coffman,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills would report that they

have presented to the Governor for his signature, Enrolled House Bill No. 119. Entitled an act in relation to organizing the two houses of the General Assembly; defining certain duties of certain officers in relation thereto, and declaring an emergency.

Engrossed House Bill No. 215 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	King,	Shirley,
Baxter,	Kirkpatrick,	Shutt,
Billingsley,	Lenfesty,	Spellman,
Brett,	Miller,	Smith,
Claypool,	North,	Tingley,
Crumpacker,	Odle,	Thompson, of Elkhart,
Dial,	Offutt,	Thompson, of Spencer,
Eaton,	Ogden,	Walker,
Ellsworth,	Pfrimmer,	Wesner,
Furnas,	Reeves,	Whitworth,
Gifford,	Reno,	Willard,
Goble,	Richardson,	Wilson, of Blackford,
Goudie,	Riggs,	Wolflin,
Gronendyke,	Rudder,	Wood,
Hedrick,	Rumsey,	Woollen,
Hollingsworth,	Satterwhite,	Wynn,
Kimball,	Scott,	Mr. Speaker—51.

Those who voted in the negative were, Messrs.

Baker,	Eward,	McKinney,
Blocher,	Glasgow,	Peed,
Branham,	Martin,	Stanley,
Broaddus,	McCounell,	Troutman.—13.
Cobb,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

By consent of the House, Senate Bill No. 3, was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Hardesty,	Richardson,
Baker,	Hatch,	Riggs,
Baxter,	Hedrick,	Rumsey,
Billingsley,	Heller,	Satterwhite,
Blocher,	Hollingsworth,	Schmuck,
Bowser,	Hoyer,	Shirley,
Branham,	Johnson,	Shutt,
Broadbudd,	Kimball,	Spellman,
Butterworth,	King,	Thayer,
Clark,	Kirkpatrick,	Tingley,
Cobb,	Lenfesty,	Thompson of Spencer,
Cowgill,	Martin,	Troutman,
Crumacker,	McConnell,	Walker,
Edwards, of Lawrence,	McKinney,	Wesner,
Ellsworth,	Miller,	Whitworth,
Eward,	North,	Willard,
Furnas,	Odle,	Wilson, of Blackford,
Gifford,	Offutt,	Willson, of Ripley,
Givan,	Ogden,	Wolflin,
Glasgow,	Prentiss,	Wood,
Goudie,	Reeves,	Mr. Speaker—65.
Gronendyke,		

Those who voted in the negative were, Messrs.

Claypool,	Goble,	Rudder,
Cline,	Pfimmer,	Stanley,
Durham,	Reno,	Talley—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by the Secretary thereof:

Mr. SPEAKER:

I am directed by the Senate to herewith transmit to the House of Representatives, for the signature of the Speaker thereof, Enrolled Senate Act No. 40, to wit: An act to amend section second of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'An act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency to exist.

Mr. Willard was granted leave of absence until Friday next.

The Speaker announced that he had signed Enrolled Senate Act No. 40.

Engrossed House Bill No. 60 was taken up and read a third time.

On motion of Mr. Branham,

The bill was recommitted to the committee on ways and means.

House Bill No 76 was taken up, read a third time, and, pending which,

On motion of Mr. Lenfesty,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING.

DECEMBER 19, 1872, 9 o'clock.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal of yesterday was read in part, when

On motion of Mr. McConnell,

The further reading of the same was dispensed with.

Engrossed House Bill No. 76 was taken up, read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baxter,	Eward,	Richardson,
Branham,	Givan,	Riggs,
Broaddus,	Goudie,	Schmuck,
Butterworth,	Gregory,	Scott,
Butts,	Hatch,	Shirley,
Cauthorn,	Heller,	Spellman,
Clark,	Henderson,	Strange,
Claypool,	Hollingsworth,	Teter,
Coffman,	Isenhower,	Thompson, of Elkhart,
Cole,	Martin,	Troutman,
Cowgill,	McConnell,	Wesner,
Durham,	McKinnney,	Whitworth,
Eaton,	Ogden,	Wolfen,
Ellsworth,	Reno,	Wynn—41.

Those who voted in the negative were, Messrs.

Anderson,	Brett,	Crumpacker,
Baker,	Cline,	Dial,

Edwards, of Lawrence,	Lenfesty,	Satterwhite,
Gifford,	North,	Shutt,
Glasgow,	Odle,	Tingley,
Gronendyke,	Peed,	Thompson, of Spencer,
Hardesty,	Pfrimmer,	Tulley,
Hedrick,	Prentiss,	Willard,
Hoyer,	Riggs,	Wilson, of Blackford,
Jones,	Rudder,	Wood,
King,	Rumsey,	Mr. Speaker—35.
Kirkpatrick,		

So the bill did not pass for want of the constitutional majority.

The committee on engrossed bills submitted the following report :

MR. SPEAKER :

The committee on enrolled bills report that they have this day presented Senate Bill No 40, an act to amend section second of an act entitled " An act concerning the organization and perpetuity of voluntary associations," to the Governor for his approval, December 18, 1872.

The following message was received from the Senate by the Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has refused to concur in the accompanying engrossed amendments of the House to Senate Bill No. 145, and the Senate respectfully asks the appointment of a conference committee to consider the matter further. And I am also further directed to inform the House that the Senate has appointed as said committee on the part of the Senate, Messrs. Dwiggins and Slater.

The following message was received from the Senate by the Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the Engrossed House Joint Resolu-

tion No. 7, entitled "A Joint Resolution in relation to an appropriation by Congress for the completion of the harbor at Michigan City.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following Engrossed Senate bills, to wit :

Engrossed Senate Bill No. 159. A bill to legalize taxes heretofore levied for purposes of tuition, by the school trustees of any of the incorporated cities of this State, and authorizing the collection of the same ; and declaring an emergency.

Also, Engrossed House Bill No. 172. A bill to fix the time of holding the terms of the Common Pleas Court in the several counties comprising the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith ; and the same is herewith transmitted to the House.

Mr. Branham offered the following concurrent resolution :

Resolved, That this House, the Senate concurring, will pass no bills at this session after this day.

Mr. Willson, of Ripley, moved to lay the concurrent resolution on the table.

Whereupon Messrs. Branham and Rudder demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Baxter,	Crumpacker,	Hollingsworth,
Billingsley,	Edwards, of Lawrence,	Johnson,
Blocher,	Eward,	Kimball,
Broadus,	Furnas,	King,
Butterworth,	Gifford,	Kirkpatrick,
Butts,	Glasgow,	Lenfesty,
Clark,	Gondie,	Miller,
Cline,	Gronendyke,	North,
Cobb,	Hardesty,	Odle,
Cole,	Hatch,	Ogden,
Cowgill,	Hedrick,	Prentiss,

Reeves,	Tingley,	Willson, of Ripley,
Riggs,	Thompson, of Elkhart,	Wolflin,
Satterwhite,	Walker,	Wood,
Scott,	Wesner,	Wynn,
Thayer,	Wilson of Blackford,	Mr. Speaker—49.

Those who voted in the negative were, Messrs.

Anderson,	Goble,	Rudder,
Baker,	Gregory,	Rumsey,
Barrett,	Heller,	Schmuck,
Bowser,	Henderson,	Shirley,
Bradshaw,	Hoyer,	Shutt,
Brett,	Isenhower,	Smith,
Cauthorn,	Jones,	Spellman,
Claypool,	Martin,	Strange,
Coffman,	McConnell,	Teeter,
Dial,	McKinney,	Thompson, of Spencer,
Durham,	Peed,	Tulley,
Eaton,	Pfrimmer,	Whitworth,
Ellsworth,	Reno,	Willard,
Givan,	Richardson,	Woollen—43.
Glazebrook,		

So the concurrent resolution was laid on the table.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill, to wit:

Engrossed Senate Bill No. 151. Entitled an act to amend the — section of an act entitled as follows: "An act to amend the first section of an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20th, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water; approved March 11th, 1862. So as to authorize and provide for the

incorporation of union stock yard and transit companies; and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of any grain elevator companies already formed or attempted to be formed under the act to which this is an amendment; and declaring an emergency.

And the same is herewith transmitted to the House.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate passed the following engrossed House Bill No. 134: Entitled "A bill to fix the time of holding Circuit Courts, and the length of the terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto," and the same is herewith returned to the House.

The joint committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled acts would report that they have examined Enrolled Act No. 95, House of Representatives, entitled "An act authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, etc." Have carefully compared the same with the engrossed bill and find the same is correctly enrolled.

SPECIAL ORDER.

The special order being the consideration of Senate Bills Nos. 54 and 146,

Senate Bill No. 54 was taken up and read a second time.

Mr. Glasgow offered the following:

Strike out sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, and insert the following:

SEC. 3. That the counties of Steuben, Lagrange, DeKalb, Noble, Elkhart, Kosciusko and Whitley shall constitute the First District.

SEC. 4. The counties of St. Joseph, Laporte, Porter, Lake, Newton, Jasper, Pulaski, Starke, Marshall and Fulton shall constitute the Second District.

SEC. 5. The counties of Benton, White, Tippecanoe, Boone, Montgomery, Fountain and Warren shall constitute the Third District.

SEC. 6. The counties of Clinton, Carroll, Cass, Miami, Wabash, Howard and Tipton shall constitute the Fourth District.

SEC. 7. The counties of Allen, Adams, Wells, Huntington, Jay, Blackford and Grant shall constitute the Fifth District.

SEC. 8. The counties of Randolph, Delaware, Madison, Hamilton, Hancock and Henry shall constitute the Sixth District.

SEC. 9. The counties of Wayne, Union, Fayette, Franklin, Decatur, Rush and Shelby shall constitute the Seventh District.

SEC. 10. The counties of Marion, Johnson, Morgan and Hendricks shall constitute the Eighth district.

SEC. 11. The counties of Putnam, Parke, Vermillion,, Vigo, Clay, Owens and Monroe, shall constitute the Ninth District.

SEC. 12. The counties of Sullivan, Knox, Greene, Davis, Martin, Orange, Lawrence and Dubois, shall constitute the Tenth District.

SEC. 13. The counties of Brown, Jackson, Crawford and Washington, shall constitute the Eleventh District.

SEC. 14. The counties of Jefferson, Jennings, Bartholomew, Ripley, Dearborn, Ohio and Switzerland, shall constitute the Twelfth District.

SEC. 15. The counties of Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson and Pike, shall constitute the Thirteenth District.

On motion of Mr. Kimball,

Senate Bill No. 54, and amendments, were passed to the third reading, and made a special order for to-morrow morning at ten o'clock.

Senate Bill No. 146 was taken up, read a third time, and put upon its passage.

The question being, shall the bill pass?

Mr. Wesner moved the previous question.

Which motion prevailed.

The question being, shall the bill pass?

Those who voted in the affirmative, were, Messrs.

Baxter,	Gronendyke,	Riggs,
Billingsley,	Hardesty,	Rumsey,
Branham,	Hatch,	Satterwhite,
Broadbush,	Hollingsworth,	Scott,
Butterworth,	Johnson,	Thayer,
Butts,	Kimball,	Tingley,
Clark,	King,	Thompson, of Elkhart,
Cobb,	Kirkpatrick,	Thompson, of Spencer,
Cole,	Lenfesty,	Troutman,
Cowgill,	Lent,	Walker,
Crumpacker,	Melletts,	Wesner,
Edwards, of Lawrence,	Miller,	Wilson of Blackford,
Eward,	North,	Wilson of Ripley,
Furnas,	Odle,	Wolfen,
Gifford,	Ogden,	Woods,
Glasgow,	Prentiss,	Wynn,
Goudie,	Reeves,	Mr. Speaker—52.

Those who voted in the negative, were, Messrs.

Anderson,	Dial,	Hoyer,
Baker,	Durham,	Isenhower,
Barrett,	Eaton,	Jones,
Blocher,	Ellsworth,	Martin,
Bowser,	Givan,	McConnell,
Brett,	Glazebrook,	McKinney,
Cauthorn,	Goble,	Peed,
Claypool,	Gregory,	Pfrimmer,
Cline,	Heller,	Reno,
Coffman,	Henderson,	Richardson,

Rudder,	Smith,	Tulley,
Schmuck,	Spellman,	Whitworth,
Shirley,	Strange,	Willard,
Shutt,	Teeter,	Woollen—42.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon Mr. Cauthorn offered the following amendment to the title:

An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana and apportion the same among the several counties of the State in such a manner as to perpetuate the power of the Republican party, and declaring an emergency.

Mr. Kimball moved to lay the amendment on the table.

Whereupon Messrs. Cauthorn and Smith demanded the ayes and noes.

Those who voted in the affirmative, were, Messrs.

Baxter,	Gronendyke,	Reeves,
Billingsley,	Hardesty,	Riggs,
Branham,	Hatch,	Satterwhite,
Broadus,	Hedrick,	Scott,
Butterworth,	Hollingsworth,	Thayer,
Butts,	Johnson,	Tingley,
Clark,	Kimball,	Thompson, of Elkhart,
Cobb,	King,	Thompson, of Spencer,
Cole,	Kirkpatrick,	Troutman,
Cowgill,	Lenfesty,	Walker,
Crumpacker,	Lent,	Wesner,
Edwards, of Lawrence,	Mellett,	Wilson, of Blackford,
Eward,	Miller,	Willson, of Ripley,
Furnas,	North,	Wolfin,
Gifford,	Odle,	Wood,
Glasgow,	Ogden,	Wynn,
Goudie,	Prentiss,	Mr. Speaker—51.

Those who voted in the negative were, Messrs.

Anderson,	Glazebrook,	Rudder,
Baker,	Goble,	Schmuck,
Barrett,	Gregory,	Shirley,
Blocher,	Heller,	Shutt,
Bowser,	Henderson,	Smith,
Cauthorn,	Hoyer,	Spellman,
Claypool,	Isenhower,	Strange,
Cline,	Martin,	Teceter,
Coffman,	McConnell,	Tulley,
Dial.	McKinney,	Whitworth,
Durham,	Pfrimmer,	Willard,
Eaton,	Reno,	Woollen—38.
Ellsworth,	Richardson,	

So the amendment to the title was laid upon the table.

The title then as read was approved as the title of the bill.

Mr. Kimball moved to reconsider the vote on the passage of Senate Bill No. 146.

Mr. Kimball moved to lay the motion to reconsider on the table.

Which was so ordered, by consent.

On motion of Mr. Clark,

The House adjourned until two o'clock, P. M.

AFTERNOON SESSION, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the Chair.

The special order for 11 o'clock, this A. M., being the consideration of House Bill No. 261, by the committee of the whole House, by consent of the House said bill was made a special order by the committee of the whole House at 2½ o'clock this P. M.

Mr. Riggs, chairman of the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of J. H. Holliday for \$27.30, on account of papers furnished the House at the session of 1871, have had the same under consideration, and recommend that it be allowed and referred to the committee of ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of the Singer Manufacturing Company for \$13.33, for rent of room for committee on organization of courts, have had the same under consideration, and recommend that it be referred to the committee on ways and means, and included in the specific appropriation bill.

Which report was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Telegraph Company for \$757.05, on account of papers furnished the House this session, have had the same under consideration, and recommend that it be allowed and referred to the committee on ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of the

Indianapolis Sentinel Company, for \$876.56, on account of papers furnished the House this session, have had the same under consideration, and recommend that it be allowed and referred to the committee of ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of the Journal Company for \$870.56, on account of papers furnished the House this session, have had the same under consideration, and recommend that the same be allowed and referred to the committee of ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Holland & Binkley for \$5,359.15, on account of legal services for the State as set forth in the accompanying papers, have had the same under consideration, and recommend that they be allowed the sum of \$2,359.15, and that the House instruct the committee on ways and means to incorporate it in specific appropriations.

Which report was concurred in.

Mr. Cobb, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of Theodore W. McCoy for \$3,200 for clerk hire in the office of the Clerk of the Supreme Court for work done on State cases, on which costs are not taxable from November 14, 1868, to November 12, 1872, have had the same under consideration and recommend that

he be allowed \$1,600, and that it be referred to the committee of ways and means and incorporated in the specific appropriations.

Mr. Lenfesty, from the committee on claims, submitted the following minority report :

MR. SPEAKER:

The minority of your committee on claims, to which was referred the claim of Theodore W. McCoy for \$3,200 for extra services as Clerk of the Supreme Court within and for the past four years, and upon which the majority of said committee report an allowance of \$1,600, believe the same to be unjust and unwarranted and that no part of the same be allowed, and therefore respectfully recommend that said claim be not allowed.

E. S. LENFESTY,
S. D. DIAL,
S. S. SHUTT.

The question being, shall the minority report be substituted for the majority report ?

Whereupon the ayes and noes were demanded by Messrs. Smith and Lenfesty.

Those who voted in the affirmative were, Messrs.

Barrett,	Ellsworth,	Lenfesty,
Baxter,	Eward,	Martin,
Billingsley,	Furnas,	McConnell,
Blocher,	Givan,	McKinney,
Bowser,	Glasgow,	Melletts,
Branham,	Glazebrook,	Miller,
Broadbuss,	Goble,	North,
Butterworth,	Goudie,	Ogden,
Butts,	Hardesty,	Primmer,
Cauthorn,	Hatch,	Prentiss,
Claypool,	Heller,	Reeves,
Coffman,	Isenhower,	Richardson,
Crumpacker,	Johnson,	Rumsey,
Dial,	Jones,	Schmuck,
Durham,	King,	Scott,
Edwards, of Lawrence,	Kirkpatrick,	Shirley,

Shutt,	Thompson, of Elkhart,	Wesner,
Smith,	Thompson, of Spencer,	Whitworth,
Spellman,	Troutman,	Wilson, of Blackford,
Strange,	Tulley,	Wood,
Teeter,	Walker,	Wynn—66.

Those who voted in the negative were, Messrs.

Anderson,	Gifford,	Tingley,
Baker,	Glazebrook,	Wolfli,
Cobb,	Riggs,	Mr. Speaker—10.
Gronendyke,		

So the minority report was substituted for the majority report, and the report concurred in.

Mr. Riggs, chairman of the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claim of Jonathan W. Gordon for \$750, on account of legal services, have had the same under consideration, and recommend that it be allowed, referred to the committee on ways and means and incorporated in specific appropriations.

The question being, shall the report of the committee be concurred in?

Whereupon Messrs. Smith and Heller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Cobb,	Gronendyke,
Baker,	Cole,	Hardesty,
Baxter,	Cowgill,	Hatch,
Billingsley,	Dial,	Hedrick,
Broadus,	Edwards, of Lawrence,	Henderson,
Butterworth,	Gifford,	Hollingsworth,
Butts,	Givan,	Hoyer,
Clark,	Goudie,	Johnson,

Jones,	Riggs,	Wesner,
Kimball,	Rumsey,	Willard,
King,	Schmuck,	Wilson, of Blackford,
Kirkpatrick,	Shutt,	Willson, of Ripley,
Lenfesty,	Tingley,	Wolflin,
McConnell,	Thompson, of Elkhart,	Wood,
Mellet,	Thompson, of Spencer,	Woollen,
Miller,	Troutman,	Wynn,
North,	Walker,	Mr. Speaker—52.
Ogden,		

Those who voted in the negative were, Messrs.

Barrett,	Ellsworth,	Pfrimmer,
Blocher,	Eward,	Reno,
Bowser,	Glazebrook,	Rudder,
Brett,	Goble,	Smith,
Canthorn,	Gregory,	Spellman,
Claypool,	Heller,	Strange,
Cline,	Isenhower,	Teeter,
Coffman,	Martin,	Tulley,
Crumpacker,	McKinney,	Whitworth—28.
Durham,		

So the report was concurred in.

Mr. Riggs, committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims to whom was referred the claim of Hendricks, Hord & Hendricks, \$750, on account of legal services rendered in the case of Garrett vs. Trustees Wabash and Erie Canal, have had the same under consideration, and recommend that it be allowed and referred to the committee on ways and means, and incorporated in specific appropriations.

The question being shall the report of the committee be concurred in.

Whereupon Messrs. Tulley and Heller demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Hedrick,	Reeves,
Baker,	Henderson,	Riggs,
Billingsley,	Hollingsworth,	Scott,
Broadus,	Hoyer,	Tingley,
Butterworth,	Johnson,	Thompson, of Elkhart,
Butts,	Kimball,	Thompson, of Spencer,
Clark,	King,	Troutman,
Cobb,	Kirkpatrick,	Walker,
Cole,	Lenfesty,	Wesner,
Cowgill,	McConnell,	Wilson, of Blackford,
Dial,	Miller,	Willson, of Ripley,
Edwards, of Lawrence,	Melletts,	Wolfen,
Furnas,	North,	Wood,
Gifford,	Ogden,	Woollen,
Gondie,	Prentiss,	Mr. Speaker—45.

Those who voted in the negative were, Messrs.

Barrett,	Gregory,	Rudder,
Blocher,	Hardesty,	Schmuck,
Bowser,	Hatch,	Shutt,
Butts,	Isenhower,	Smith,
Claypool,	Jones,	Spellman,
Crumpaeker,	Martin,	Strange,
Durham,	McKinney,	Teeter,
Ellsworth,	Pfrimmer,	Tulley,
Eward,	Reno,	Whitworth,
Givan,	Richardson,	Willard—33.
Glazebrook,		

So the report of the committee was concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House of Representatives that he has signed Enrolled Act of the House No. 95, entitled "An act authorizing cities and towns incorporated under

the authority of the State of Indiana to make and adopt a survey and plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made," and declaring an emergency, and the same has been delivered to the joint committee on enrolled bills in compliance with the rules of both Houses.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has concurred in the engrossed amendments of the House to Senate Bill No. 146.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has adopted the following concurrent resolution of the House to wit :

WHEREAS, The necessity exists for the building of a new State Capitol for the State of Indiana ; and,

WHEREAS, It is the duty of the General Assembly of this State, to use all due diligence and economy in the construction of all public buildings, therefore, be it

Resolved, That the General Assembly of the State of Indiana, do hereby offer and award, the sum of one thousand dollars as a premium to any successful architect or architects, who will or may offer and present to this General Assembly, any plans and specifications that will be suitable and necessary for the construction of a new State Capitol, and that such premium shall only be paid to such architect or architects, whose plans and specifications may be finally adopted by this or any future General Assembly of the State ; and be it further

Resolved, That a committee of five members of this General Assembly be appointed, whereof three such members shall be from the House, and two from the Senate, whose duty it shall be to correspond with the leading architects of this country. And the committee is hereby empowered to receive any and all such plans and specifications as may be presented to them ; and that this committee thereafter present all such plans and specifications to this General Assembly, at or about the close of the next General Assembly, for

their inspection: *Provided*, however, that the State shall not be liable to any person or persons, for the payment of any plans and specifications so furnished, except for such plans and specifications, however, as may be finally adopted.

And the Senate has appointed as such committee on the part of the Senate :

Messrs. Oliver and Scott.

The Speaker then appointed as such committee on the part of the House :

Messrs. Branham, Brett and Kimball.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills, would report that they have presented to the Governor enrolled House Act No. 95, entitled "An act authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, where there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof, already made," etc.

Mr. Hedrick, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims to whom was referred the claim of Newcomb, Mitchell & Ketcham for \$200, on account of legal services, have had the same under consideration and recommend that the same be allowed and referred to the committee on ways and means and incorporated in specific appropriations.

Which report was concurred in.

Mr. Hedrick, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims to whom was referred the claim of the

Republican State Central Committee for \$60.75, on account of rent of rooms for the use of the committee during this session, have had the same under consideration, and recommend that the same be allowed and referred to the committee on ways and means, and incorporated in specific appropriations.

Which report was concurred in.

Mr. Dial, from the committee on claims, submitted the following majority report :

MR. SPEAKER :

The committee on claims to whom was referred the claim of John H. Farquhar for \$1,000 per year, for the years 1871 and 1872, on account of incidental expenses of Secretary of State, have had the same under consideration and recommend that the same be allowed and referred to the committee of ways and means, and incorporated in the specific appropriations.

Mr. Lenfesty submitted the following minority report :

MR. SPEAKER :

The minority of your committee on claims to which was referred the claim of John H. Farquhar for \$2,000 for contingent expenses in the office of Secretary of State, within and for the two years last past, and upon which the majority of said committee report an allowance for the entire sum, believe the same unjust and therefore recommend that said claim be not allowed.

The question being, shall the minority report be substituted for the majority report?

Whereupon Messrs. Lenfesty and Riggs demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Butts,	Durham,
Barrett,	Canthorn,	Edwards, of Lawrence,
Baxter.	Clark,	Ellsworth,
Billingsley,	Claypool,	Eward,
Broaddus,	Cline,	Furnas,

Gifford,	McConnell,	Smith,
Givan,	Miller,	Spellman,
Glasgow,	North,	Strange,
Glazebrook,	Ogden,	Teeter,
Goudie,	Pfrimmer,	Thayer,
Hatch,	Prentiss,	Troutman,
Hollingsworth,	Rudder,	Wilson, of Blackford,
Jones,	Scott,	Willson, of Ripley,
Kirkpatrick,	Shutt,	Woodard—43.
Lenfesty,		

Those who voted in the negative were, Messrs.

Coffman,	Richardson,	Thompson, of Spencer,
Crumpacker,	Riggs,	Willard,
Dial,	Shirley,	Woollen,
Hedrick,	Tingley,	Wynn,
Martin,	Thompson, of Elkhart,	Mr. Speaker—15.

As the minority report was substituted for the majority report.

Mr. Cobb moved to reconsider the vote just taken on substituting the minority for the majority report.

Which motion prevailed.

Whereupon Mr. Cobb moved to lay the minority report on the table.

Which motion prevailed.

The question being, shall the majority report be concurred in?

It was so ordered.

Mr. Dial, from the committee on claims, submitted the following report:

MR. SPEAKER:

The committee on claims, to whom was referred the claims of Isaiah Donham and others, committee on the affairs of the State Prison, on account of mileage amounting to the sum of \$115 60 each, have had the same under consideration and recommend that they be allowed \$50 each, and that the same be referred

to committee on ways and means and incorporated in specific appropriations.

Which report was concurred in.

Mr. Shutt, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred House Bill No. 67, entitled an act making an appropriation of four hundred and thirteen thousand five hundred and ninety-nine dollars and fifty-eight cents, to pay the claims of sufferers by the Morgan raid, have had the same under consideration, and beg leave to report back the same, and recommend that it lie on the table.

Which report was concurred in.

Mr. Shutt, from the committee on claims, submitted the following report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of John G. Hanning for \$51 50, on account of repairs, have had the same under consideration, and recommend that the same be allowed and referred to the committee on ways and means and incorporated in specific appropriations.

Which report was concurred in.

Mr. Shutt, from the committee on claims, submitted the following majority report :

MR. SPEAKER :

The committee on claims, to whom was referred the claim of B. W. Hanna for \$4,000, on account of extra services, have had the same under consideration, and recommend that the same be allowed and referred to the committee on ways and means and incorporated in specific appropriations.

Mr. Lenfesty from the committee on claims submitted the following minority report.

MR. SPEAKER:

The minority of your committee on claims to which was referred the claims of B. W. Hanna for \$4,000, for extra services as Attorney General of Indiana, within and for the two years last past, and upon which the majority of said committee have reported an allowance of the entire amount, believe the same to be unjust and unwarranted and that the same should not be allowed, and therefore recommend that said claims be not allowed.

E. S. LENFESTY.

Mr. Cobb moved that the minority report be laid upon the table.

Which motion prevailed.

The question being shall the majority report be concurred in?

Whereupon Messrs. Lenfesty and Riggs demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Ellsworth,	Pfrimmer,
Baxter,	Furnas,	Richardson,
Barrett,	Gifford,	Riggs,
Baker,	Givan,	Rudder,
Billingsley,	Glazebrook,	Schmuck,
Blocher,	Goble,	Shirley,
Brett,	Gregory,	Shutt,
Broaddus,	Gronendyke,	Spellman,
Cauthorn,	Heller,	Thayer,
Claypool,	Henderson,	Thompson, of Elkhart,
Cobb,	Hollingsworth,	Thompson, of Spencer,
Coffman,	Isenhower,	Walker,
Crumpacker,	Kimball,	Whitworth,
Dial,	Martin,	Wilson,
Durham,	McConnell,	Wolflin,
Eaton,	McKinney,	Woollen,
Edwards, of Lawrence,	Peed,	Mr. Speaker—51.

Those who voted in the negative were, Messrs.

Broddus,	Butterworth,	Clark,
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Cline,	Lenfesty,	Teeter,
Eward,	Miller,	Tingley,
Glasgow,	North,	Troutman,
Goudie,	Prentiss,	Wesner,
Hardesty,	Rumsey,	Wilson of Blackford,
Hatch,	Scott,	Wood,
Jones,	Smith,	Wynn—25
Kirkpatrick,		

So the majority report was concurred in.

Mr. Walker moved to reconsider the vote just taken concurring in the majority report.

Mr. Cauthorn moved to lay the motion to reconsider on the table.

The question being, shall the motion of Mr. Cauthorn to lay the motion of Mr. Walker to reconsider the vote concurring in the majority report, be laid on the table?

Whereupon Messrs. Miller and Walker demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Glasgow,	Richardson,
Baker,	Glazebrook,	Riggs,
Barrett,	Goble,	Rudder,
Blocher,	Gregory,	Schmuck,
Branham,	Hedrick,	Shirley,
Cauthorn,	Heller,	Shutt,
Claypool,	Henderson,	Spellman,
Cline,	Isenhower,	Thompson, of Elkhart,
Coffman,	Martin,	Thompson, of Spencer,
Dial,	McConnell,	Tulley,
Durham,	McKinney,	Whitworth,
Eaton,	North,	Willard,
Ellsworth,	Peed,	Woollen,
Givan,	Pfrimmer,	Mr. Speaker—42.

Those who voted in the negative were, Messrs.

Baxter,	Butterworth,	Cowgill,
Broadbudd,	Butts,	Crumpacker,

Edwards, of Lawrence,	Kirkpatrick,	Smith,
Eward,	Lenfesty,	Thayer,
Furnas,	Mellett,	Tingley,
Gifford,	Miller,	Troutman,
Gondie,	Prentiss,	Walker,
Gronendyke,	Reeves,	Wesner,
Hardesty,	Reno,	Wilson, of Blackford,
Hatch,	Rumsey,	Wolfin,
Hollingsworth,	Satterwhite,	Wood,
Johnson,	Scott,	Wynn—32.
Jones,		

So the motion of Mr. Cauthorn to lay the motion of Mr. Walker to reconsider the vote concurring in the majority report on the table was concurred in.

On motion of Mr. Kimball,

House Bill No. 259 was taken up.

Mr. Kimball offered the following amendment:

Strike out from the specific appropriation bill the allowance made to the Secretary of the Senate and Clerk of the House.

Which amendment was adopted and the bill read a second time, considered as engrossed and recommitted to the committee on ways and means.

Mr. Cauthorn offered the following resolution:

Resolved, That Cyrus T. Nixon, Principal Clerk, and Moses G. McLain, Assistant Clerk of the House of Representatives, be each allowed the sum of \$200 for indexing, correcting proof, and preparing abstracts for the House Journal of the special session 1872, including the filing of all bills remaining in the hands of the Clerk of the House preparatory for action at the regular session of the General Assembly in January, 1873, and that the Speaker of the House be and he is hereby authorized to issue his warrant on the Auditor of State for said amount, to be paid out of any money heretofore appropriated for legislative purposes.

Which resolutions was adopted.

Mr. Miller moved to reconsider the vote by which the claim of Theodore W. McCoy was not allowed.

Which motion was prevailed.

Messrs. Cauthorn and Shirley demanded the ayes and noes.

The question being, shall the majority report be concurred in ?

Those who voted in the affirmative were, Messrs.

Anderson,	Heller,	Reeves,
Baker,	Hollingsworth,	Riggs,
Billingsley,	Isenhower,	Satterwhite,
Cobb,	Johnson,	Thayer,
Coffman,	Kimball,	Tingley,
Cowgill,	King,	Thompson, of Spencer,
Durham,	Kirkpatrick,	Whitworth,
Edwards, of Lawrence,	Miller,	Willard,
Gifford,	North,	Wolfli,
Givan,	Ogden,	Wynn,
Gronendyke,	Peed,	Mr. Speaker—35.
Hatch,	Reno,	

Those who voted in the negative were, Messrs.

Baxter,	Glazebrook,	Rumsey,
Bowser,	Gregory,	Schmuck,
Branham,	Henderson,	Scott,
Brett,	Hoyer,	Shutt,
Broadbuss,	Jones,	Smith,
Butterworth,	Lenfesty,	Spellman,
Cauthorn,	Martin,	Strange,
Cline,	McConnell,	Teeter,
Crumpacker,	McKinney,	Thompson, of Elkhart,
Dial,	Pfrimmer,	Troutman,
Eaton,	Prentiss,	Wesner,
Eward,	Reno,	Wilson, of Blackford,
Furnas,	Rudder,	Wood—40.
Glasgow,		

So the majority report was not concurred in.

The special order being the consideration of House Bill No. 261 in the committee of the whole House, the Speaker called Mr. Cauthorn to the Chair.

After some time spent in the committee of the whole House the committee rose and reported progress.

Whereupon Mr. Cauthorn, chairman of the committee of the whole House, made the following report:

MR. SPEAKER:

I am directed by the committee of the whole House to report that said committee has had under consideration House Bill No. 261, and respectfully ask that the further consideration of the same be postponed during this session, and the committee ask to be discharged from the further consideration thereof.

Which report was concurred in.

On motion,

The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING.

, DECEMBER 20, 1872, 9 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

The Journal of yesterday was read in part, when,

On motion of Mr. Kimball,

The further reading of the same was dispensed with.

Mr. Kimball, chairman of the committee on ways and means, submitted the following report :

MR. SPEAKER :

The committee on ways and means to whom was referred House bill No. 259 with instructions to incorporate therein certain amendments, have had the same under consideration and direct me to report it back, recommending its passage as amended.

Mr. Hardesty moved that the House do now proceed to the consideration of House Bill No. 259 in committee of the whole House.

Which motion prevailed.

Whereupon, the Speaker called Mr. Cauthorn to the chair.

After some time spent in the committee of the whole House the committee rose and reported progress.

Whereupon, Mr. Cauthorn, chairman of the committee of the whole House, the committee made the following report :

MR. SPEAKER :

The committee of the whole House to whom was referred House

Bill No. 259, have directed me to report the same back to the House without recommendation.

Which report was concurred in.

Mr. Kimball offered the following amendment :

Sec. 37. That Julius Boetticher be allowed the sum of \$108.15 for three hundred and nine copies of the Weekly *Volksblatt* furnished the members of the extra session, at seven cents per copy, wrapped and stamped.

Which was adopted.

The bill as amended was then read a third time and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs.

Anderson,	Gifford;	Ogden,
Baxter,	Givan,	Peed,
Billingsley,	Glasgow,	Reno,
Blocher,	Goble,	Riggs,
Branham,	Gronendyke,	Rudder,
Brett,	Hedrick,	Shirley,
Butts,	Heller,	Spellman,
Cauthorn,	Henderson,	Strange,
Clark,	Hoyer,	Thayer,
Cline,	Isenhower,	Tingley,
Cobb,	Kimball,	Thompson, of Elkhart
Coffman,	King,	Thompson, of Spence
Cole,	Lenfesty,	Walker,
Dial,	Martin,	Wesner,
Eaton,	McKinney,	Whitworth,
Edwards, of Lawrence,	Mellet,	Wolfen,
Ellsworth,	North,	Mr. Speaker—51.

Those who voted in the negative were, Messrs.

Bowser,	Claypool,	Durham,
Broadus,	Cowgill,	Eward,
Butterworth,	Crumpacker,	Furnas,

Glazebrook,	Miller,	Smith,
Goudie,	Odle,	Teeter,
Gregory,	Pfrimmer,	Troutman,
Hardesty,	Prentiss,	Tulley,
Hatch,	Richardson,	Willard,
Hollingsworth,	Rumsey,	Wilson, of Blackford,
Johnson,	Satterwhite,	Wilson of Ripley,
Jones,	Schmuck,	Wood,
Kirkpatrick,	Scott,	Woollen—39.
McConnell,	Shutt,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to wit:

Engrossed Senate Bill No. 166, entitled "An act regulating the sale of county property, and the letting of public buildings, bridges, fences and monuments."

Also, Engrossed Senate Bill No. 48, entitled "An act to amend section 1, 7 and 8 of an act entitled 'An act to establish a house for the maintenance of sick and disabled Indiana soldiers and seamen and their orphan children and widows,'" approved March 11, 1867, and section 2 of an act supplemental thereto, approved May 14, 1869.

Also, Engrossed Senate Bill No. 15, entitled "An act to authorize cities and towns to negotiate and sell bonds, to procure means with which to erect and complete unfinished school buildings, and pay debts contracted therefor," etc., "to authorize the levy and collection of an additional special school tax, for the payment of such bonds," and declaring an emergency.

Also, Engrossed House Bill No. 227, entitled "An act providing for the payment to Township Trustees, of all moneys which shall have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, repealing all laws inconsistent therewith," and declaring an emergency.

Also, Engrossed Senate Bill No. 165, entitled "An act to regulate certain matters of Legislative practice in the two Houses of the General Assembly of the State of Indiana."

Also, I am directed by the Senate to inform the House, that the Senate has passed Senate Joint Resolution No. 3, entitled "A Joint Resolution instructing our Senators in Congress to support an act pending in the Senate of the United States."

Mr. Gifford presented petitions from sundry citizens of the State, praying for the enactment of a law providing for the health and safety of persons engaged in the coal mines of Indiana.

Which were referred to the committee on rights and privileges.

SPECIAL ORDER.

The special order being, the consideration of Senate Bill No. 54, the same was taken up, read a third time, and put upon its passage.

Whereupon, Mr. Cauthron moved a call of the House.

Those who answered to their names were, Messrs.

Anderson,	Clark,	Ellsworth,
Barrett,	Claypool,	Eward,
Baxter,	Cline,	Furnas,
Billingsley,	Cobb,	Gifford,
Blocher,	Coffman,	Givan,
Bowser,	Cole,	Glasgow,
Branham,	Cowgill,	Glazebrook,
Brett,	Crumpacker,	Goble,
Broadus,	Dial,	Goudie,
Butterworth,	Durham,	Gregory,
Butts,	Eaton,	Gronendyke,
Cauthorn,	Edwards of Lawrence,	Hardesty,

Hatch,	Peed,	Teeter,
Hedrick,	Pfrimmer,	Thayer,
Heller,	Prentiss,	Tingley,
Henderson,	Reeves,	Thompson, of Elkhart,
Hollingsworth,	Reno,	Thompson, of Spencer,
Hoyer,	Richardson,	Troutman,
Johnson,	Riggs,	Tulley,
Jones,	Rudder,	Walker,
Isenhower,	Rumsey,	Wesner,
Kimball,	Satterwhite,	Whitworth,
King,	Schmuck,	Willard,
Kirkpatrick,	Scott,	Wilson, of Blackford
Lenfesty,	Shirley,	Willson, of Ripley,
Lent,	Shutt,	Wolfen,
Martin,	Smith,	Wood,
North,	Spellman,	Wynn,
Odle,	Strange,	Mr. Speaker—92.
Ogden,		

On motion of Mr. Ogden,

Further proceedings under the call were dispensed with.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Baxter,	Hardesty,	Riggs,
Billingsley,	Hatch,	Rumsey,
Broaddus,	Hedrick,	Satterwhite,
Butterworth,	Hollingsworth,	Scott,
Butts,	Johnson,	Thayer,
Clark,	Kimball,	Tingley,
Cobb,	King,	Thompson, of Elkhart,
Cole,	Kirkpatrick,	Thompson, of Spencer,
Cowgill,	Lenfesty,	Troutman,
Crumpacker,	Lent,	Walker,
Edwards, of Lawrence,	Melletts,	Wesner,
Eward,	Miller,	Wilson, of Blackford,
Furnas,	North,	Willson, of Ripley,
Gifford,	Odle,	Wolfen,
Glasgow,	Ogden,	Wood,
Goudie,	Prentiss,	Wynn,
Gronendyke,	Reeves,	Mr. Speaker—51.

Those who voted in the negative were, Messrs.

Anderson,	Givan,	Reno,
Barrett,	Glazeorook,	Richardson,
Blocher,	Goble,	Rudder,
Bowser,	Gregory,	Schmuck,
Branham,	Heller,	Shirley,
Brett,	Henderson,	Shutt,
Cauthorn,	Hoyer,	Smith,
Claypool,	Isenhower,	Spellman,
Cline,	Jones,	Strange,
Coffman,	Martin,	Teeter,
Dial,	McConnell,	Tulley,
Durham,	McKinney,	Whitworth,
Eaton,	Pfrimmer,	Willard—40.
Ellsworth,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Mr. Walker moved to reconsider the vote on the passage of Senate Bill No. 54.

Mr. Cobb moved to lay the motion of Mr. Walker on the table.

The question being, shall the motion of Mr. Walker to reconsider the vote on the passage of Senate Bill No. 54 be laid the table?

Whereupon, Messrs. Cauthorn and Smith demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Baxter,	Cobb,	Gifford,
Billingsley,	Cole,	Glasgow,
Broadus,	Cowgill,	Gondie,
Butterworth,	Crumpacker,	Gronendyke,
Butts,	Edwards, of Lawrence,	Hardesty,
Clark,	Eward,	Hatch,
Cline,	Furnas,	Hedrick,

Hollingsworth,	Odle,	Thompson, of Elkhart,
Johnson,	Ogden,	Thompson, of Spencer,
Kimball,	Prentiss,	Troutman,
King,	Reeves,	Walker,
Kirkpatrick,	Riggs,	Wilson, of Blackford,
Lenfesty,	Rumsey,	Willson, of Ripley,
Lent,	Satterwhite,	Woolflin,
Melletts,	Scott,	Wood,
Miller,	Thayer,	Wynn,
North,	Tingley,	Mr. Speaker—52.

Those who voted in the negative were, Messrs.

Anderson,	Durham,	Isenhower,
Baxter,	Eaton,	Jones,
Blocher,	Ellsworth,	Martin,
Bowser,	Givan,	McConnell,
Branham,	Glazebrook,	McKinney,
Brett,	Gouble,	Peed,
Cauthorn	Gregory,	Pfrimmer,
Claypool,	Heller,	Reno,
Coffman,	Henderson,	Rudder,
Dial,	Hoyer,	Schmuck—30.

So the motion of Mr. Walker to reconsider the vote on the passage of Senate Bill No. 54, was laid on the table.

On motion of Mr. Lenfesty,

The Senate message, in relation to Senate Bill No. 145, was taken up.

The question being, shall the House recede from its former action?

The House did not recede.

The question being upon the appointment of a conference committee,

Whereupon the Speaker appointed Messrs. Wilson, of Ripley, and Peed as such committee.

Mr. Mellett moved to instruct the State Librarian to carry out the instructions of the committee on ventilation, which were

adopted by the House, in properly ventilating and warming the Hall of the House for the regular session.

Which motion prevailed, and it was ordered that the State Librarian be so instructed.

Senate Joint Resolution No. 3 was taken up. A joint resolution instructing our Senators in Congress to support an act pending in the Senate of the United States :

WHEREAS, the House of Representatives of the United States have passed an act entitled "An act to enable honorably discharged soldiers and sailors, their widows and orphan children to acquire homesteads on the public lands of the United States," and,

WHEREAS, The act is now pending in the United States ; therefore, be it

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed to vote for and to make all proper exertion to procure the passage of said act through the Senate of the United States.

Resolved, That His Excellency, the Governor, be requested to transmit a copy of this joint resolution to each of our Senators in Congress.

Which joint resolution was read and put upon its passage.

The question being, shall the Senate Joint Resolution pass?

Those who voted in the affirmative were, Messrs.

Anderson,	Claypool,	Givan,
Barrett,	Cline,	Glasgow,
Baxter,	Cobb,	Glazebrook,
Billingsley,	Coffman,	Goble,
Blocher,	Cole,	Goudie,
Bowser,	Cowgill,	Gregory,
Branham,	Crumpacker,	Hardesty,
Broadbus,	Eaton,	Hatch,
Butts,	Edwards, of Lawrence,	Hedrick,
Cauthorn,	Eward,	Henderson,
Clark,	Furnas,	Hollingsworth,

Isenhower,	Pfrimmer, ,	Teeter,
Johnson,	Prentiss,	Thayer,
Jones,	Reeves,	Tingley,
Kimball,	Reno,	Thompson, of Elkhart,
King,	Riggs,	Thompson, of Spencer,
Kirkpatrick,	Rudder,	Troutman,
Lenfesty,	Rumsey,	Tulley,
Martin,	Satterwhite,	Walker,
McConnell,	Schnuck,	Wesner,
McKinney,	Scott,	Whitworth,
Melletts,	Shirley,	Willard,
Miller,	Shutt,	Wilson, of Blackford,
North,	Smith,	Wood,
Odle,	Spellman,	Wynn,
Ogden,	Strange,	Mr. Speaker—78.

No one voting in the negative.

So the Senate Joint Resolution passed.

The question being, shall the title as read stand as the title of the Senate Joint Resolution?

Whereupon, Mr. Givan offered the following amendment to the bill:

“To enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States.”

Which amendment was adopted.

The question being, shall the bill, as amended, stand as the title of the Senate joint resolution?

It was so ordered.

Mr. Cauthorn was called to the chair by the Speaker.

Senate Bill No. 150 was taken up.

“A bill to legalize taxes heretofore levied for purposes of tuition by the school trustees of any of the incorporated cities of this State, and authorize the collection of the same and declaring an emergency.”

Which bill was read a first time.

Mr. Kirkpatrick moved to suspend the constitutional rule, have the bill read a second time by title, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Baxter,	Henderson,	Reno,
Butts,	Hollingsworth,	Riggs,
Cauthorn,	Hoyer,	Rumsey,
Clark,	Johnson,	Satterwhite,
Claypool,	King,	Schmuck,
Coffman,	Kirkpatrick,	Shutt,
Cole,	Lenfesty,	Tingley,
Cowgill,	Lent,	Thompson, of Elkhart,
Edwards, of Lawrence,	Martin,	Thompson, of Spencer,
Furnas,	Mellett,	Troutman,
Gifford,	Miller,	Tulley,
Glazebrook,	North,	Wesner,
Goudie,	Ogden,	Wilson of Blackford,
Hardesty,	Prentiss,	Wood,
Hatch,	Reeves,	Wynn—47.
Hedrick,		

Those who voted in the negative were, Messrs.

Barrett,	Givan,	Rudder,
Bowser,	Gregory,	Smith,
Butterworth,	Gronendyke,	Spellman,
Cline,	Jones,	Teeter,
Dial,	McConnell,	Whitworth,
Durham,	McKinney,	Willard—19.
Eaton,		

So the constitutional rule was not suspended, for want of a quorum of the House voting.

Engrossed Senate Bill No. 166 was taken up. An act regulating the sale of county property, and the letting and building of public buildings, and bridges, fences and monuments, and declaring an emergency.

Which bill was read a first time.

Mr. Edwards, of Vigo, moved that the constitutional rule be suspended, the bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Barrett,	Goble,	Reeves,
Baxter,	Goudie,	Reno,
Billingsley,	Gronendyke,	Riggs,
Blocher,	Hardesty,	Rudder,
Bowser,	Hatch,	Rumsey,
Branham,	Hedrick,	Satterwhite,
Brett,	Heller,	Schmuck,
Broadbuss,	Henderson,	Shirley,
Butterworth,	Hollingsworth,	Shutt,
Butts,	Hoyer,	Smith,
Cauthorn,	Isenhower,	Spellman,
Claypool,	Johnson,	Strange,
Cline,	Jones,	Tecter,
Coffman,	Kimball,	Thayer,
Cole,	King,	Tingley,
Cowgill,	Lentestey,	Thompson, of Elkhart,
Crumpacker,	Lent,	Thompson, of Spencer,
Dial,	Martin,	Troutman,
Durham,	McConnell,	Tulley,
Eaton,	McKinney,	Wesner,
Edwards, of Lawrence,	Mellett,	Whitworth,
Ellsworth,	Miller,	Willard,
Eward,	North,	Wilson, of Blackford,
Fur	Odle,	Wolfin,
Gifford,	Ogden,	Wood,
Givan,	Pfrimmer,	Wynn
Glazebrook,	Prentiss,	Mr. Speaker—81.

No one voting in the negative.

So the constitutional rule was suspended and the bill read a second time.

Whereupon, Mr. Edwards of Vigo, offered the following amendment.

H. J.—40.

Amend as follows, by adding the word "not" after the word "shall" where it occurs in the first line of 5th section.

Add the word "responsible" after the word "lowest" where it occurs in section 3.

Which amendment was adopted.

The bill as amended was read a third time by sections and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Barrett,	Gondie,	Reno,
Baxter,	Gregory,	Riggs,
Billingsley,	Gronendyke,	Rudder,
Bowser,	Hardesty,	Rumsey,
Branham,	Hatch,	Satterwhite,
Brett,	Hedrick,	Schmuck,
Broaddus,	Heller,	Shirley,
Butterworth,	Henderson,	Shutt,
Butts,	Hollingsworth,	Smith,
Cauthorn,	Hoyer,	Spellman,
Claypool,	Isenhower,	Strange,
Cline,	Johnson,	Teeter,
Coffman,	Jones,	Thayer,
Cole,	Kimball,	Tingley,
Cowgill,	King,	Thompson, of Elkhart,
Crumpacker,	Kirkpatrick,	Thompson, of Spencer,
Dial,	Lenfesty,	Troutman,
Durham,	Martin,	Tulley,
Eaton,	McConnell,	Walker,
Edwards, of Lawrence,	McKinney	Wesner,
Ellsworth,	Melletts,	Whitworth,
Eward,	Miller,	Willard,
Furnas,	North,	Wilson, of Blackford,
Gifford,	Odle,	Wilson, of Ripley,
Givan,	Ogden,	Woollen,
Glasgow,	Pfrimmer,	Wynn,
Glazebrook,	Prentiss,	Mr. Speaker.—81.
Goble,	Reeves,	

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by Secretary thereof.

MR. SPEAKER:

I am directed by the Senate to herewith transmit to the House of Representatives, for the signature of the Speaker thereof,

Enrolled Act of the Senate No 87. An act granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same, and declaring an emergency.

Also, Enrolled Senate Bill No. 3. Entitled an act to amend section four of an act entitled "An act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'An act concerning the organization of voluntary associations and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act and authorizing gifts or devises by will, to be made to any corporation or purpose contemplated by this act," approved February 20, 1867, and declaring an emergency.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bill thereof, to wit:

Engrossed Senate Bill No. 57. An act fixing the time of holding the Court of Common Pleas in Ripley county in the Twenty-second Judicial District of this State and declaring an emergency.

Engrossed Senate Bill No. 151 was taken up. An act to amend

the first section of an act, entitled as follows: "An act to amend the first section of an act, entitled 'An act for the incorporation of manufacturing and mining companies for mechanical, chemical and building purposes,' approved May 20, 1852, 'so as to provide for the incorporation of companies to furnish motive power to carry on such business or to supply any city or village with water,' approved March 11, 1861, 'so as to authorize and provide for the incorporation of union stock yards and transit companies, and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of any grain elevator companies already formed, or attempted to be formed under the act to which this is an amendment, and declaring an emergency.'"

Which bill was read a first time.

Mr. Billingsley moved that the constitutional rule be suspended the bill be read a second time by its title, read a third time by sections and put upon its passage.

The question being, shall the constitutional rule be suspended:

Those who voted in the affirmative were, Messrs.

Billingsley,	Gifford,	Martin,
Blochier,	Glasgow,	McConnell,
Branham,	Glazebrook,	McKinney,
Brett,	Goble,	Mellett,
Broadbus,	Gondie,	Miller,
Butterworth,	Gregory,	North,
Cauthorn,	Gronendyke,	Odle,
Clark,	Hardesty,	Ogden,
Claypool,	Hatch,	Pfimmer,
Cline,	Hedrick,	Prentiss,
Cobb,	Henderson,	Reeves,
Coffman,	Hollingsworth,	Reno,
Cowgill,	Hoyer,	Riggs,
Crumpacker,	Isenbower,	Rudder,
Durham,	Johnson,	Rumsey,
Eaton,	Kimball,	Satterwhite,
Edwards, of Lawrence,	King,	Schmuck,
Ellsworth,	Kirkpatrick,	Scott,
Eward,	Lenfesty,	Shirley,
Furnas,	Lent,	Shutt,

Smith,	Troutman,	Wilson, of Blackford,
Spellman,	Walker,	Wolflin,
Strange,	Wesner,	Wood,
Thayer,	Whitworth,	Wynn
Thompson, of Elkhart,	Willard,	Mr. Speaker—74.
Thompson, of Spencer,		

Those who voted in the negative were, Messrs.

Baxter,	Gifford,	Teeter,
Bowser,	Givan,	Tingley—6.

So the constitutional rule was suspended, the bill read a second time by its title, a third time by sections and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were, Messrs.

Billingsley,	Heller,	Reno,
Blöcher,	Henderson,	Riggs,
Bowser,	Hollingsworth,	Rudder,
Branham,	Hoyer,	Rumsey,
Brett,	Isenhower,	Satterwhite,
Broaddus,	Johnson,	Schmuck,
Butterworth,	Jones,	Shirley,
Cauthorn,	Kimball,	Shutt,
Clark,	King,	Smith,
Claypool,	Kirkpatrick,	Spellman,
Cline,	Lenfesty,	Strange,
Coffman,	Lent,	Teeter,
Cole,	Martin,	Thayer,
Cowgill,	McConnell,	Thompson, of Spencer,
Crumpacker,	McKinney,	Troutman,
Eaton,	Melletts,	Walker,
Edwards, of Lawrence,	Miller,	Wesner,
Ellsworth,	North,	Whitworth,
Furnas,	Odle,	Willard,
Gifford,	Ogden,	Wilson, of Blackford,
Gronendyke,	Pfrimmer,	Wolflin,
Hatch,	Prentiss,	Wood,
Hedrick,	Reeves,	Wynn—69.

Those who voted in the negative were, Messrs.

Isenhower,
Eward,

Tingley,

Tulley—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The Speaker announced that he had signed Enrolled Senate Act No. 3.

Also, Enrolled Senate Act No. 87.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, to wit:

Engrossed House Bill No. 148. A bill defining certain felonies, and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act, with the accompanying engrossed amendments.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has refused to concur in the House amendments to Senate Bill No. 166, and respectfully ask the appointment of a committee a conference committee; and that the Senate has appointed Messrs. Scott and Daggy as such committee on the part of the Senate.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER :

I am directed by the Senate to herewith transmit to the House of Representatives, for the signature of the Speaker thereof, enrolled act of Senate No. 146, entitled "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency."

The message of the Senate in relation to House bill No. 166 was taken up.

The question being, shall the House recede from its former action?

The House did not recede.

Whereupon, the Speaker announced Messrs. Baxter and Walker as such committee, on the part of the House, to confer with a similar committee appointed by the Senate, in relation to House bill No. 166.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

The committee on enrolled bills have had Senate Bill No. 146, "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency," under consideration, and find the same correctly enrolled.

By consent of the House, House bill No. 200 was taken up.

Whereupon, Mr. Lenfesty, from the committee on federal relations, submitted the following report :

MR. SPEAKER :

Your committee to which was referred House Bill No. 200, report the same back, with the following amendment: "*Provided, further,* That the provisions of this act shall apply only to counties in which the commissioners, under instructions by popular ballot, have actually heretofore prepared bonds for the, or a part of, the persons to be

benefitted by this act within their county, and where such bonds were afterwards destroyed before delivery to the parties for whom they were intended." And after such amendment shall have been adopted, your committee recommend its passage.

Which report was concurred in.

Mr. Mellett moved to suspend the constitutional rule, have the bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Baxter,	Gronendyke,	Reno,
Billingsley,	Hardesty,	Riggs,
Branham,	Hatch,	Rudder,
Broadhus,	Hedrick,	Rumsey,
Butterworth,	Heller,	Satterwhite,
Butts,	Henderson,	Schmuck,
Canthorn,	Hollingsworth,	Scott,
Clark,	Jones,	Shirley,
Claypool,	Kimball,	Spellman,
Cline,	King,	Strange,
Cobb,	Kirkpatrick,	Teeter,
Coffman,	Lenfesty,	Thayer,
Cole,	Lent,	Tingley,
Cowgill,	Martin,	Thompson, of Elkhart,
Crumpacker,	McConnell,	Thompson, of Spencer,
Dial,	McKinney,	Troutman,
Eaton,	Mellett,	Walker,
Eward,	Miller,	Willard,
Furnas,	North,	Wilson, of Blackford,
Gifford,	Odle,	Wolfli,
Givan,	Ogden,	Wood,
Glasgow,	Pfrimmer,	Wynn,
Glazebrook,	Prentiss,	Mr. Speaker—71.
Gouldie,	Reeves,	

Messrs. Barrett and Tulley voting in the negative.

So the constitutional rule was suspended, the bill read a second time by title, read a third time by sections, and put upon its passage.

The question being, shall the bill pass ?

Pending which,

On motion of Mr. Branham,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION, 2 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

House Bill No. 200 pending, the consideration of which the House adjourned this afternoon, was taken up, and by consent of the House was continued on file without further action.

Mr. Peed, from the committee of conference, appointed by the House, submitted the following report :

MR. SPEAKER :

The conference committee on the part of the House of Representatives and Senate appointed to consider Bill No. 145, and the House amendments thereto, being and act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties, have had the same under consideration and would recommend that the House recede from all amendments to said bill with the exception of the two amendments to section two of said bill.

Which report was concurred in.

Mr. Peed was called to the chair by the Speaker.

House Bill No. 148 was taken up, and the following amendments proposed by the Senate were read :

Engrossed amendments of the Senate to House Bill No. 148.

Page one, line three, after the word "and" insert the words "State officer."

Page one, line four, after the word "township," insert the words "or town."

Page one, line five, after the word "any," insert the words "town or." Also, in same line, after the word "city," insert the words "their appointees or agents, or any person holding any appointing power."

Page one, line nine, after the word "office," insert the words "or hold such appointing power."

Page two, line two, after the word "any," insert the words "State House."

Page two, line five, after the word "of," insert the words "the State or." Also, in same line, after the word "township," insert the word "town." Also, in same line, after the word "State," insert the words "in which he exercises any official jurisdiction."

Page two, line seven, after the word "profit," insert the words "or money."

Page two, line ten, after the word "contract," insert the words "or making any appointment." Also, in same line, after the word "wherein," insert the words "the State or."

Page two, line eleven, after the word "township," insert the word "town."

Page three, line three, strike out the word "~~one~~," and insert the word "three."

Page three, line four, after the word "and," insert the words "to which may be added."

Page three, line ten, after the word "any," insert the words "State officer."

Page four, line one, after the word "township," insert the words "or town."

Page four, line four, after the word "office," insert the words "or appointment or agency."

Page four, line seven, after the word "any," insert the words "State House."

Page four, line eleven, after the word "use," insert the words "of the State or." Also, in same line, after the word "or," insert the word "town."

Page five, line one, before the word "city," insert the word "or." also in same line, after the word "State," insert the words "over which such person has any official jurisdiction."

Page five, line four, after the word "any," insert the word "money."

Page five, line eight, strike out the word "one," and insert the word "three."

Page five, line nine, after the word "and," insert the words "to which may be added."

Page six, line three, after the last word "any" in said line, insert the words "State officer, or appointee or agent of the same, or."

Page six, line four, after the word "township," insert the word "town." Also, in same line, after the word "city," insert the words "or appointee of the same."

Page six, line six, after the word "said," insert the word "State." Also, in same line, after the word "township," insert the word "town."

Page six, line seven, after the word "thereof," insert the words "or appointee or agent therein named."

Which amendments were adopted.

On motion of Mr. King,

House Bill No. 100 was taken up and read a second time.

Mr. Smith offered the following amendments:

Section four be amended to read as follows:

It shall be their duty to examine the property sought to be appropriated, and estimate its value; and they shall also view the real estate along the line of said street proposed to be altered or widened or opened, and shall assess damages and benefits so far as, in their judgment, the proposed alteration, widening or opening shall effect the whole street; but they shall not assess damages and benefits off of the line of the said street. They shall also consider and determine what part of any of the expenses of such changes or improvement ought to be paid out of the general fund of the city. They shall assess upon each lot of land belonging to the same person, the damages alone thereto, and shall also assess the value of real estate

actually apportioned, and the benefits to the part, if any there be of any lot or parcel of land not taken.

Section 9 be amended to read as follows:

"SEC. 9. It shall be the duty of the City Clerk to deliver a certified copy of said report, as provided in the preceding section, to the City Treasurer, and to copy the entire report into the records of the Common Council, and to carefully file and preserve the original. The benefits shall be a complete and valid lien upon the real estate, described as assessed, from and after the time the aforesaid resolution is adopted, accepting such report and filing a copy thereof in the office of the county, and said lien shall be valid and enforceable against subsequent purchases, and shall have priority over all other liens except those for State taxes."

Which amendments were adopted.

Mr. King moved that the constitutional rule be suspended, the bill read a third time and put upon its passage.

Whereupon Mr. Givan moved that the bill and the amendments be laid upon the table.

Which motion prevailed.

On motion of Mr. Schmuck,

Engrossed House Bill No. 230, was taken up, and read a third time.

Mr. Canthorn moved that the bill be recommitted to the committee on commerce and manufactures.

Mr. Wolflin moved to lay the motion of Mr. Cauthorn to re-commit said bill on the table.

Which motion prevailed.

The question being shall the bill pass?

Those who voted in the affirmative were, Messrs.

Barrett,	Bowser,	Clark,
Baxter,	Broadbush,	Claypool,
Billingsley,	Butts,	Cole,

Cowgill,	Jones,	Satterwhite,
Crumpacker,	King,	Schmuck,
Dial,	Kirkpatrick,	Scott,
Edwards, of Lawrence,	Lenfesty,	Shirley,
Ellsworth,	Len ,	Spellman,
Eward,	Martin,	Teeter,
Furnas,	McCounell,	Thayer,
Gifford,	Mellett,	Tringley,
Givan,	Miller,	Thompson, of Elkhart,
Glazebrook,	North	Thompson, of Spenceer,
Goble,	Odle,	Troutman,
Gondie,	Ogden,	Walker,
Gronendyke,	Pfrimmer,	Wesner,
Hardesty,	Prentiss,	Wilson, of Blackford,
Hatch,	Reeves,	Willson, of Ripley,
Hedrick,	Reno,	Wolflin,
Heller,	Riggs,	Wood,
Hollingsworth,	Rudder,	Wynn,
Hoyer,	Rumsey,	Mr. Speaker—67.

Those who voted in the negative were, Messrs.

Cauthorn,	Durham,	Willard,
Cline,	Eaton,	Woollen—8.
Coffman,	Peed,	

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Whereupon Mr. Miller offered the following amendment:

An act regulating coal mines and the working thereof; providing for the appointment of a mine inspector, regulating his duties and compensation, providing for the punishment of persons violating the provisions of this act, and fixing a time when the same shall take effect.

Which amendment was adopted.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed House bill, to-wit:

House Bill No. 185. A bill to legalize the official acts of the Board of Trustees of the town of Huntinburg, Dubois county, Indiana, and all other officers of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Also, House Bill No. 235. An act supplemental to an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donations to, railroad companies, approved May 12, 1869.

And the same are hereby returned to the House.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to transmit to the House, for the signature of the Speaker thereof, the following enrolled Senate act, to-wit:

Enrolled Senate Act No. 54. An act to divide the State of Indiana into Congressional districts.

The Speaker announced that he had signed Senate Enrolled Act No. 54.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they

have examined Enrolled House Bill No. 122, entitled "An act to fix the time of holding the Common Pleas Court in the several counties comprising the Sixth Judicial District, and find the same is correctly engrossed.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills report that they have examined Enrolled House Bill No. 124, entitled a bill to fix the time of holding circuit courts in the several counties, and the length of terms thereof, and in the Twelfth Judicial Circuit, and find the same is correctly engrossed.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they have examined enrolled House Joint Resolution No. 7, entitled "A joint resolution in relation to an appropriation by Congress for the completion of the harbor of Michigan City, and find the same correctly enrolled.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they have carefully examined Enrolled House Bill No. 90, entitled "A bill touching public squares in towns, land platted and recorded with public grounds not specifically dedicated, etc.," and find the same is correctly enrolled.

The Speaker announced that he had signed Enrolled Joint Resolution No. 7, House of Representatives. Also, Enrolled House Act No. 90.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

The Committee on enrolled bills report that they have examined and compared Enrolled Senate Act No. 54 entitled "An act to divide the State of Indiana into Congressional districts," with the engrossed bill thereof, and find the same correctly enrolled.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER:

The committee on enrolled bills report that they have this, the 20th day of December, 1872, presented to the Governor, for his signature, Enrolled Senate Act No. 54, entitled ' An act to divide the State of Indiana into Congressional Districts.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER:

The committee on enrolled bills report that they have presented this day, December 20, 1872, to the Governor for his signature, the following enrolled acts, to wit :

Enrolled Act No. 3, (Senate.) An act to amend section four of an act, entitled " An act concerning the organization and perpetuity of voluntary associations," etc.

Also, Enrolled Senate Act No. 87. An act granting the consent of the State of Indiana, to the purchase by the United States of certain lands for the erection of public buildings at Evansville, etc.

Also, Enrolled Senate Act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of this State.

The Speaker announced that he had signed Enrolled House Act No. 134; also, Enrolled House Act No. 172.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER:

Your joint committee on enrolled bills report that they have examined enrolled House Bill No. 185, entitled "An act to legalize the official acts of the Board of Trustees of the towns of Huntingburg, Dubois," etc., and find the same correctly enrolled.

Also, the joint committee on enrolled bills respectfully report to the House that they have carefully compared Enrolled House Bill No. 227, being an act providing for the payment to township trustees of all moneys which shall have been collected from townships, and find the same correctly enrolled.

Also, your joint committee on enrolled bills report that they have examined Enrolled House Bill 235, entitled "An act supplemental to an act to authorize aid to railroads by counties and townships," etc., and find the same correctly enrolled.

Mr. Branham, chairman of the select committee, to whom was referred the matter of the proceeding of place for a new State House, submitted the following report:

WHEREAS, This General Assembly has passed a concurrent resolution providing for the appointment of a committee consisting of three members of the House and two of the Senate, whose duty it shall be to correspond with the leading architects of the country, and receive any and all plans and specifications for a State Capital that may be offered as provided for in said resolution, and,

WHEREAS, Said committee has met and organized as requested in said resolution, and said committee believing it to be impracticable to accomplish the objects desired by this General Assembly with the power conferred in said resolution, beg leave to offer the following resolution:

WHEREAS, The necessity exists for the building of a new Capitol for the State of Indiana; and,

WHEREAS, It is the duty of the General Assembly of this State to use due diligence and economy in the construction of public buildings; therefore, be it

Resolved, That this General Assembly hereby offer an award the sum of dollars as a premium to any architects or architect who may offer, through said committee to the General

Assembly, plans and specifications, including estimated cost of construction of building, which may be accepted and adopted by this General Assembly as suitable for use in the construction of a capitol. Such awards to be made as follows: dollars for the best plans and specifications so offered; dollars for the second best; dollars for the third best; dollars. The State reserving the right to refuse or use either of the plans and specifications for which premiums are paid.

Resolved, That for the purpose of better enabling said committee to discharge their duties herein, they are authorized to visit the capitol and public buildings of some of the adjacent States, and for the time so employed they shall receive the per diem of the members of the General Assembly, and actual expenses paid; and further, that they advertise as they may deem necessary for said plans and specifications. *Provided, however*, That the State shall not be liable to any person or persons for the payment of any plans or specifications so furnished except such as may be accepted by the General Assembly.

Mr. Branham offered the following amendments:

Mr. Branham moved to fill the first blank by inserting one thousand dollars; the second, six hundred; and third, four hundred.

Concurred in.

Which was adopted.

The question being, shall the report of the committee be concurred in?

Whereupon, Messrs. Branham and Butterworth demanded the ayes and noes.

Those who voted in the affirmative were, Messrs.

Anderson,	Butterworth,	Ellsworth,
Baxter,	Butts,	Eward,
Billingsley,	Cauthorn,	Furnas,
Blocher,	Clark,	Gifford,
Bowser,	Cline,	Glasgow,
Branham,	Cole,	Glazebrook,
Brett,	Cowgill,	Goble,
Broddus,	Edwards, of Lawrence,	Goudie,

Gronendyke,	Martin,	Tingley,
Hardesty,	Melletts,	Thompson, of Spencer,
Hedrick,	North,	Troutman,
Hollingsworth,	Odle,	Walker,
Hoyer,	Prentiss,	Wesner,
Johnson,	Reeves,	Whitworth,
Jones,	Riggs,	Wilson, of Blackford,
Kimball,	Rumsey,	Willson, of Ripley,
King,	Satterwhite,	Wolflin,
Kirkpatrick,	Schmuck,	Wood,
Lenfesty,	Spellman,	Woollen,
Lent,	Strange,	Mr. Speaker—58.

Those who voted in the negative were, Messrs.

Claypool,	Hatch,	Shutt,
Coffman,	Heller,	Smith,
Crumpacker,	McConnell,	Teeter,
Durham,	McKinney,	Thayer,
Givan,	Miller,	Thompson, of Elkhart,
Gondie,	Reno,	Tulley—20.
Gregory,	Scott,	

So the report of the committee was concurred in.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill, to wit:

Engrossed Senate Bill No. 71. Entitled a bill to amend sections 7 and 49 of an act entitled "An act providing for the settlement of decedents estates, prescribing the rights, liabilities and duties of officers, connected with the management thereof, and the heirs thereto, etc., and the same is herewith transmitted to the House.

Also, that the Senate has refused to concur in the report of the committee of conference of Senate Bill No. 166, and respectfully ask the appointment of a new committee of conference to consider amendment by the House, and the Senate has appointed Messrs. Dwiggins and Dittimore said committee.

The Speaker announced that he had signed Enrolled House Act No. 235; also, Enrolled House Act No. 185; also, Enrolled House Act No. 227.

Mr. Gifford moved that when the House adjourn it adjourn until 7½ o'clock this P. M.

Which motion prevailed.

Mr. Bowser moved to reconsider the vote on the concurrence of this House in the report of the select committee to whom was referred the matter of the procuring of plans for a new State House.

Mr. Kimball moved to lay the motion of Mr. Bowser to reconsider on the table.

Which motion prevailed.

The Speaker announced that he had signed Enrolled Senate Act No. 146.

The committee appointed by the Speaker this A. M. to confer with a similar committee of the Senate upon House Bill No. 166, having failed to agree, were discharged from further consideration of the same, and the Speaker appointed Messrs. Walker and Thayer, as such committee on the part of the House, in lieu of said former committee.

On motion, of Mr. Gregory,

The House adjourned until 7½ o'clock this P. M.

EVENING SESSION, 7½ O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The Speaker announced that he had signed Enrolled House Act No. 163.

Mr. Thompson, of Elkhart, presented a memorial from sundry citizens of Elkhart county on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Clark presented petitions from sundry citizens of Hamilton county on the subject of temperance.

Referred to the committee on temperance.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed the following enrolled acts, to wit:

Enrolled Act No. 90, House of Representatives: "An act touching public squares in towns laid out, platted and recorded with public ground not specifically dedicated," and the matter therewith connected.

Also, Enrolled Act No. 134, House of Representatives: "An act to fix the times of holding circuit courts, and the length of terms thereof in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for return of process thereto."

Also, Enrolled Act No. 172, House of Representatives: "An act to fix the time of holding the terms of the Common Pleas Court in the several counties comprising the — judicial district, the duration of such, and repealing all laws in conflict therewith."

Also, Enrolled Act No. 227, House of Representatives: "An act providing for the payment to township trustees of all moneys which shall have been collected from townships for either general, special or specific purposes, except such moneys as may have been collected from township, State and county revenues, and prescribing punishment of officers failing to comply with the requirements of, and repealing all laws inconsistent therewith, and declaring an emergency."

Also, Enrolled Act 185, House of Representatives. "An act to legalize the official acts of the Board of Trustees of the town of Huntingburg, Dubois county, Indiana, and all other officers of said corporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved

June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Also, Enrolled Act No. 235, House of Representatives. An act supplemental to "An act authorizing aid to the construction of railroads by counties and townships, taking stock in and making donations to railroad companies," approved May 12, 1869.

Also, Enrolled Joint Resolution No. 7, House of Representatives. A joint resolution in relation to an appropriation by Congress for the completion of the harbor at Michigan City, and the same has been delivered to the joint committee on enrolled bills in compliance with the rules of both Houses.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Joint Resolution No. 3, entitled a joint resolution instructing our Senators in Congress to support an act pending in the Senate of the United States.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills, to whom was referred House Bill No. 163, entitled "An act to provide for a uniform assessment of taxes," etc., have carefully examined the same and find that it is correctly enrolled.

By consent of the House,
Senate Bill No. 159, was taken up and read a second time.

By consent of the House,
Senate Bill No. 165, was taken up. An act to regulate certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana, and declaring an emergency.

Which was read a first time.

Mr. Kimball moved that the constitutional rule be suspended, the bill read a second time by its title, a third time by sections and put upon its passage.

The question being, shall the constitutional rule be suspended?

Those who voted in the affirmative were, Messrs.

Anderson,	Gronendyke,	Rumsey,
Baxter,	Hatch,	Satterwhite,
Billingsley,	Hedrick,	Schmuck,
Bowser,	Heller,	Scott,
Branham,	Henderson,	Shutt,
Broaddus,	Hollingsworth,	Spellman,
Butterworth,	Hoyer,	Stanley,
Butts,	Isenhower,	Strange,
Cauthorn,	Kimball,	Teeter,
Clark,	King,	Thayer,
Claypool,	Kirkpatrick,	Tingley,
Cobb,	Lenfesty,	Thompson, of Elkhart,
Coffman,	Martin,	Thompson, of Spencer,
Cole,	McConnell,	Troutman,
Cowgill,	McKinney,	Tulley,
Crumpacker,	Miller,	Walker,
Dial,	North,	Wesner,
Durham,	Odle,	Whitworth,
Eaton,	Ogden,	Wilson, of Blackford,
Edwards, of Lawrence,	Primmer,	Willson, of Ripley,
Eward,	Prentiss,	Wolfin,
Furnas,	Reeves,	Wood,
Givan,	Reno,	Woollen,
Glazebrook,	Riggs,	Wynn,
Goble,	Rudder,	Mr. Speaker—75.

No one voting in the negative.

So the constitutional rule was suspended, the bill read a second time by its title, read a third time by sections, and put upon its passage.

The question being, shall the bill pass?

Those who voted in the affirmative were Messrs.

Anderson,	Bowser,	Butterworth,
Baxter,	Branham,	Butts,
Billingsley,	Broaddus,	Clark,

Claypool,	Johnson,	Spellman,
Cobb,	Kimball,	Stanley,
Coffman,	King,	Teeter,
Cole,	Kirkpatrick,	Thayer,
Cowgill,	Lenfesty,	Tingley,
Crumpacker,	Martin,	Thompson, of Elkhart,
Eaton,	Miller,	Thompson, of Spencer,
Edwards, of Lawrence,	North,	Troutman,
Eward,	Odle,	Tulley,
Furnas,	Ogden,	Wesner,
Gifford,	Pfrimmer,	Whitworth,
Givan,	Prentiss,	Willard,
Glazebrook,	Reeves,	Wilson, of Blackford,
Goble,	Reno,	Willson, of Ripley,
Gronendyke,	Riggs,	Woolflin,
Hatch,	Rumey,	Wood,
Hedrick,	Satterwhite,	Woolen,
Hollingsworth,	Schmuck,	Wynn,
Hoyer,	Scott,	Mr. Speaker—68.
Isenhower,	Shutt,	

Those who voted in the negative were, Messrs.

Cauthorn,	McConnell,	Rudder,
Heller,	McKinney,	Strange—7.
Henderson,		

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they have compared Enrolled House Bill No. 148, entitled "An act defining certain felonies and prescribing punishment therefor," etc., and find that the same is correctly enrolled.

The Speaker announced that he had signed Enrolled House Act No. 148.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed Enrolled Act of the House No. 163, entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," and the same has been delivered to the joint committee on enrolled bills.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills have, this 20th day of December, 1872, presented to the Governor for his signature, Enrolled House Bills Nos. 185, 235, and 227.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills respectfully report that House Bills Nos. 172, 134 and 90, and House Joint Resolution No. 7, have been presented to the Governor for his approval this 20th day of December, 1872.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills have this, 20th day of December, presented to the Governor, for his approval and signature, Enrolled House Bill No. 163, entitled "An act to provide for a uniform assessment of property, and for the collection of taxes thereon."

Mr. Thayer offered the following resolution :

WHEREAS, The subject of temperance is one of vital importance to all the people of the State ; and,

WHEREAS, Quite a number of bills on that subject have been introduced during this session, which are now in the hands of the committee on temperance, and which can not reach a final issue this session ; therefore, in order that the members may examine said bills during the vacation, and consult with their constituents on the subject, and thereby prepare themselves to take prompt and effective action at the approaching regular session toward the enactment of an efficient and practical law on this subject,

Be it Resolved, That there be printed 200 copies of each bill that has been introduced on that subject during this session, and that the Assistant Clerk of the House be instructed to have this order promptly executed and mail to each member of the House two copies of each bill.

Mr. Willson, of Ripley, moved to lay the resolution on the table.

Which motion prevailed.

Mr. Lenfesty introduced

House Bill No. 262. A bill to regulate and license the sale of vinous and malt liquors, to prohibit the sale of spirituous liquors in quantities of less than five gallons at one time, to repeal all laws contravening the provisions of this bill, and prescribing penalties therefor."

Which was read a first time, and referred to the committee on temperance.

Mr. Anderson introduced

House bill No. 263. A bill in relation to railroad fences, limitation of actions, and prescribing remedies for live stock killed or injured, and matters connected therewith, and repealing all laws inconsistent with this act.

Which was read a first time, and referred to the committee on railroads.

Mr. Prentiss introduced

House bill No. 264. A bill to amend section 18 of an act entitled "An act regulating descents and the apportionment of estates."

Which was read a first time, and referred to the committee on the judiciary.

Mr. Clark introduced

House bill No. 265. An act defining professional prostitution and prescribing punishment therefor, and prescribing certain rules of evidence in prosecutions for such offenses.

Which was read a first time, and referred to the committee on reformatory institutions.

Mr. Billingsley introduced

House bill No. 266. An act to amend an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Which was read a first time, and referred to the committee on roads.

Mr. Tingley presented a petition from sundry citizens of Rush county on the subject of railroads, which was referred to the committee on railroads.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that has signed Enrolled Act of the House No. 148, entitled "An act defining certain felonies and prescribing punishment therefor, compelling testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all laws in conflict with this act." And the same has been delivered to the joint committee on enrolled bills to be presented to the Governor.

Mr. Baxter presented a petition from various citizens of Wabash

and Kosciusko counties praying for the repeal of an act to authorize aid to railroad companies.

Which was referred to the committee on railroads.

Mr. Baxter presented petitions from sundry citizens of Wayne county on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Furnas presented petitions from sundry citizens of Hendricks county on the subject of temperance.

Which was referred to the committee on temperance.

Mr. Hollingsworth presented a petition from citizens of Tippecanoe county on the subject of temperance.

Which was referred to the committee on temperance.

The joint committee on enrolled bills submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills would report that they have this day presented to the Governor for his signature Enrolled House Bill No. 143, entitled "An act defining certain felonies, etc," December 20, 1872.

Mr. Jones introduced

House Bill No. 267. A bill to amend an act entitled, "An act to revise, simplify and abridge the rules, practice and pleadings in civil cases in this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity.

Which was read a first time and referred to the committee on rights and privileges.

Mr. Thompson, of Elkhart, from the committee on county and township business, submitted the following report:

MR. SPEAKER:

Your committee on county and township business to whom was

referred House Bill No. 236, "An act providing for taking the census of the qualified voters of this State on the calling of a convention to alter, amend or revise the Constitution of this State," have had the same under consideration and report it back and recommend its passage.

By consent of the House the report and bill were laid on the table until next session.

Mr. Shirley having been granted leave to enter his written protest on behalf of the minority, against the passage of Senate Bill No. 146, leave was granted that the minority might unite and send in their protest instead.

Whereupon Mr. Woollen presented the following written protest:

MR. SPEAKER:

The undersigned, who voted against the bill for "An act to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and to apportion the same among the several counties of the State, and declaring an emergency," desire to protest against the passage of said bill, and give their reasons therefor.

The object of all governments like ours is to have the sovereignty which emanates from the people properly represented in the law-making power. The members of the General Assembly of the State are only the agents by which that sovereignty manifests itself upon the statute books; the power itself resides in the people. That government is the most equal that brings the power into uniform action; when thus exercised, it is not only powerful but just. It places the Governor in his seat, and gives him the executive authority; it makes the laws through its properly constituted agents, and gives them their validity; it elevates the judiciary to the bench, and clothes them with judicial ermine; it places its broad seal upon the writ that brings the criminal to justice; it speaks from the jury-box its verdict of weal or woe; and it directs the arm that executes the sentence of the laws. A power thus omnipotent should be guarded with jealous care; and when robbed of its proper authority, must produce disorder, weakness and confusion.

When the bill mentioned in the beginning of this protest came before the House from the other branch of the General Assembly, the undersigned hoped and believed that it would command here that careful consideration which its importance demanded. It pro-

posed to distribute among the people that representation which the fundamental law declared shall be apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age. We demanded postponement and examination; it was refused. We asked for consideration and debate; it was denied. In past General Assemblies, when measures of this kind had been passed, the minority had resorted to revolution; but believing that wrong was better than disorder, we determined to remain in our places in violation of well settled precedents, and rely upon the justice and magnanimity of the majority. We appealed to that justice and magnanimity in vain, thus justifying the revolutionary course of former Legislatures. We appeal from the hasty and inconsiderate action of a party to the people themselves.

Upon an extended examination of the bill, we find it carefully prepared to perpetuate the power of the Republican party. It strikes down thousands of voters in some of the counties, and places the power which justly belongs to them in the hands of their smaller neighbors, only because of their political sentiments. As instance of this, it gives to the counties of Floyd and Clark, with their voting population of 10,778, one Senator; and to their Republican neighbors, the county of Jefferson, a Senator for her vote of 5,405. It gives the counties of Boone and Clinton, 10,117 votes, one Senator; and the county of Randolph a Senator, with a vote of 5,014; and this, as we believe, because of their political complexion. It gives to the county of Vermillion, a Representative for her 2,445 votes; but denies one to the county of Bartholomew, with her 4,761 votes; and Vermillion is Republican, while Bartholomew is Liberal. These are only a few of many instances of like irregularities; while the county of Marion, the center of political power and corruption, in effect elect three Senators and five Representatives. If anything were wanting to condemn this bill more than its manifest irregularities, it can be found in the fact that it was agreed upon in a party caucus, and passed without debate in the General Assembly. We know that the political caucus is manipulated by outside influences, not responsible to oaths or the people. The majority in this House, misled, as we believe, by designing men not members on this floor, at the beginning of this session, resolved that all important measures should be determined in caucus and not considered and debated in this House. We believe that this was wrong in principal, as it is vicious in practice; and that the bill under consideration was the legitimate result of this departure from the correct principles of

legislation. In our opinion, the bill never could have passed this House, except under the pressure of party discipline. We know that when that discipline is brought to bear, the rights of the people are in jeopardy.

For these reasons, and in the name of that people whom we were sent here to represent, many of whom, by the provisions of this bill, will not hereafter be represented on this floor, we solemnly protest against the action of this House in passing this law, and respectfully ask that this protest be entered upon the journals of the House.

T. W. WOOLLEN,
 JEFF. C. BOWSER,
 W. H. PFRIMMER,
 JAMES A. McKINNEY,
 J. A. J. DURHAM,
 W. S. GIVAN,
 H. K. CLAYPOOL,
 S. D. SPELLMAN,
 JOHN McCONNELL,
 H. C. STANLEY,
 GABRIEL SCHMUCK,
 CYRUS B. TULLEY,
 J. HENDERSON,
 HENRY S. CAUTHORN,
 T. N. JONES,
 M. L. MARTIN,
 L. DOW GLAZEBROOK,
 R. B. EATON,
 S. S. SHUTT,
 S. S. COFFMAN,
 REASE H. RENO,
 ADAM G. HOYER,
 JAMES W. WHITWORTH,
 WM. STRANGE,
 J. R. ISENHOWER,
 C. W. ANDERSON,
 GEORGE H. TEETER,
 JAMES RUDDER,
 W. B. SMITH,
 M. L. BRETT,
 CHARLES G. OFFUTT.

Mr. Claypool offered the following resolution :

Resolved, That it is the sense of this House that should any Page hereafter during this or the ensuing session, be found guilty of writing, scribbling or marking upon any of the books, papers or documents lying upon the desk of any of the members, without first gaining permission, he shall be deemed guilty of misdemeanor and be at once dismissed from the employment of the House.

Mr. Shutt moved that the resolution be laid upon the table.

Which motion prevailed.

Mr. Willson, of Ripley, offered the following resolution :

Resolved, That the minority and majority of this House now shake hands across the bloody chasm.

Which resolution was adopted.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills would respectfully report that they have examined Senate Bill No. 181 and find that the same is correctly enrolled.

The following message was received from the Senate by the Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to transmit to the House of Representatives, for the signature of the Speaker thereof, Enrolled Senate Act No. 151, viz.: an act to amend the first section of an act entitled as follows: "An act to amend the first section of an act entitled 'An act for the incorporation of manufacturing and mining companies for mechanical, chemical and building purposes,' approved May 20th, 1852, so as to provide for the incorporation of companies, to furnish motive power to carry on such business or to supply any city or village with water," approved March 11, 1861, so as to authorize and provide for the incorporation of union stock yards

and transit companies, and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of any grain elevator companies already formed or attempted to be formed under the act to which this is an amendment, and declaring an emergency.

The Speaker announced that he had signed Enrolled Senate Act No. 151.

The joint committee, on enrolled bills, submitted the following report:

MR. SPEAKER:

Your joint committee, on enrolled bills, would report that they have examined Enrolled Joint Resolution No. 3 of the Senate, and find that the same is correctly enrolled.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to transmit to the House of Representatives, for the signature of the Speaker thereof, Enrolled Senate Joint Resolution No. 3. A joint resolution instructing our Senators in Congress to support an act pending in the Senate of the United States, to make honorably discharged soldiers and sailors, their widows and orphan children to acquire homesteads on the public lands of the United States.

The Speaker announced that he had signed Enrolled Senate Joint Resolution No. 3.

The joint committee, on enrolled bills, submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills have this, the 20th day of December, presented Senate Enrolled Bill No. 151 to the Governor for his signature.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, to wit:

Engrossed House Bill No. 259. Entitled "A bill making specific appropriations for the years 1871 and 1872," with the accompanying engrossed amendments of the Senate, to wit:

The following amendments were proposed by the Senate to House Bill No. 259:

SEC. 39. That Thomas G. Richey be allowed the sum of fifty dollars for his services as constable in serving witnesses in the case of Hon. J. W. Burson, contestant at the last regular session of the Legislature.

SEC. 40. That Josselyn Bros. & Company be allowed the sum of one hundred and forty dollars for rent of rooms for Senate committees during the last regular session of the Legislature.

SEC. 41. That McCoy & Root be allowed the sum of five dollars for coal furnished Senate committee, December 2d, 1872.

SEC. 42. That the Indianapolis Journal Company be allowed the sum of six hundred and fifty-five dollars and three cents for copies of the Indianapolis Journal, wrapped and stamped, roll calls and cards, with Senators address, furnished the Senate at its last regular session.

SEC. 43. That Richard J. Bright & Company be allowed the sum of six hundred and thirty-six dollars and fifty-two cents for copies of the Sentinel furnished the Senate at the last regular session.

SEC. 44. That George D. Farrar be allowed the sum of seventeen dollars and twenty cents for his attendance as a witness in the J. W. Burson contest case at the last regular session of the Legislature.

SEC. 45. That Julius Boetticher be allowed the sum of two hundred and eleven dollars and twenty cents for copies of the Volksblatt, wrapped and stamped and furnished to the Senate at the last regular session of the Legislature.

SEC. 46. That Alfred Thompson be allowed the sum of one hundred and sixty-four dollars and forty cents, for purchase money and interest thereon for lands purchased of the State of Indiana on account of failure of title.

SEC. 47. That William Burns be allowed the sum of twenty dollars for provisions furnished Company A, 84th regiment Indiana volunteers, on August 11, 1862.

SEC. 48. That Sarah H. and Mary J. Ketchum be allowed the sum of eighty-nine dollars for purchase money and interest thereon, for lands purchased of the State on account of failure of title.

SEC. 49. That the Indianapolis Sentinel Company be allowed the sum of six hundred and twenty-six dollars and twelve cents for papers furnished the Senate, wrapped and stamped.

SEC. 50. For services of short-hand reports at the special session of the Legislature of 1872, that Charles W. Stagg be allowed the sum of eight hundred and eighty dollars for his services as short-hand reporter during the last session of the Legislature, on the trial of J. W. Burson.

SEC. 51. That the Guttenburg Company be allowed the sum of six hundred and eighty-seven dollars and forty cents for papers furnished the Senate during the special session of the Legislature of 1872.

SEC. 52. That Frank M. Hawkins be allowed the sum of one hundred and fifteen dollars and fifty cents for six issues of the National Beacon, two hundred and seventy-five copies each, furnished the Senate during the special session of the Legislature of 1872.

SEC. 53. That the Indianapolis Journal Company be allowed the sum of six hundred and twenty-six dollars and twelve cents for copies of the Indianapolis Journal, wrapped and stamped, furnished the Senate at the special session of the Legislature of 1872.

SEC. 54. That the Guttenburg Company be allowed the sum of four hundred and ninety-five dollars for copies of the Daily Telegraph furnished the Senate during the session of the Legislature of 1871.

SEC. 55. That Senators Dittmore, Hadley, Daugherty, Hamilton and Wadge be allowed the sum of thirty dollars each for their

expenses incurred in going to Dayton, Ohio, as the military committee at the last regular session of the Legislature.

SEC. 56. That T. A. Goodwin be allowed the sum of forty-two dollars and sixty cents, for copies of the Indiana American furnished at the last regular session of the Legislature.

SEC. 57. That Senators Williams, Dittmore, Johnson, Wadge, Denbo and Robinson be allowed the sum of \$30 each, for their expenses in making two trips to the Southern Prison, to investigate the affairs of the same, at the last regular session of the Legislature.

SEC. 58. That M. G. Lee be allowed the sum of \$30, for Commercials furnished at the last regular session of the Legislature.

SEC. 59. That Julius Boetticher be allowed the sum of \$33.25, for two hundred and seventy-five copies of the Weekly Volksblatt furnished the Senate during the extra session of the Legislature, 1872.

SEC. 60. That Guttenburg Co. be allowed the sum of \$476.60, for copies of the Telegraph furnished the Senate during the regular session of the Legislature.

SEC. 61. That Gilkey & Jones be allowed the sum of \$13.85, for work and repairing done in and about the Senate Chamber during the special session of the Legislature, 1872.

SEC. 62. It is hereby declared that an emergency exists for the passage and taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Strike out Section 21.

Strike out Section 26.

Strike out Section 18.

Strike out Section 32.

Strike out Section 20.

Amend Section 27 by striking out and inserting the following in lieu thereof:

SEC. 27. That Bayless W. Hanna, late Attorney General, be allowed two thousand and five hundred dollars in full for all extra services rendered by him on behalf of the State during his entire term of office.

To amend Section 15 by striking out the words " eighty-one" and insert in lieu thereof the word " thirty."

Which amendments were concurred in.

On motion of Mr. Branham

The House adjourned until to-morrow morning at 10 o'clock A. M.

SATURDAY MORNING.

DECEMBER 21, 1872, 10 O'CLOCK.

The House met pursuant to adjournment with the Speaker in the chair.

On motion,

The reading of the Journal was dispensed with.

Mr. Cauthorn was called to the chair by the Speaker.

Mr. Offutt offered the following resolution.

Resolved, That the thanks of the House are hereby tendered to the Hon. Wm. K. Edwards for the able, efficient and impartial manner in which he has discharged the duties devolving upon him as Speaker of the present session of this General Assembly, and in his retirement from said position at the close of this session he carries with him the kindest wishes of each member of this House for his future prosperity and success in life.

Which was adopted.

Mr. Offutt being absent when the vote was taken on the passage of Senate Bill No. 54, and Senate Bill No. 146, desired that the Journal of the House show that if he had been present he would have voted in the negative.

So ordered.

Mr. Woollen being absent when the vote was taken on the passage of Senate Bill No. 54, desired that the Journal of the House show that if he had been present he would have voted in the negative.

So ordered.

By consent of the House, the concurrent resolution offered by Mr. Woollen in relation to the appointment of a committee of nine,

three being members of the Senate and six being members of the House, to take under consideration the subject of the apportionment of the State for judicial purposes, was taken up and the concurrent resolution adopted.

Mr. Tully offered the following concurrent resolution.

Resolved, That the House will, the Senate concurring therein, adjourn this General Assembly at 10 o'clock, A. M., to-morrow, *sine die*.

Which was adopted.

Mr. Lenfesty offered the following resolution.

Be it resolved, That the thanks of this House be tendered the officers, reporters and employes of the same, for the prompt and efficient manner in which they have performed their respective duties, and the gentlemanly bearing they have at all times maintained toward the members of this body, and the hope is herein publicly expressed that wherever their future lots may be cast, happiness and prosperity may attend them.

Which was unanimously adopted.

Mr. Pfrimmer offered the following resolution :

WHEREAS, Capital punishment is abhorred by the intelligence of the age, and is forbidden by every noble impulse of a manly heart ; therefore,

Resolved, That His Excellency, Governor Baker, be and is hereby requested to commute to imprisonment for life, any or all persons now under sentence of death, within the State of Indiana.

On motion of Mr. Miller,

The resolution was laid upon the table.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills, have examined Enrolled House Bill No. 259, entitled "An act making specific appropria-

tions for the year one thousand eight hundred and seventy-one, and eighteen hundred and seventy-two," and find the same is correctly enrolled.

The Speaker announced that he had signed House Enrolled Act No. 259.

The joint committee on enrolled bills, submitted the following report:

MR. SPEAKER:

Your joint committee on enrolled bills, report that they have examined Enrolled House Act No. 165, entitled "An act to regulate certain matters of Legislative practice in the two Houses of the General Assembly of the State of Indiana," and find the same correctly enrolled, December 20th, 1872.

Mr. Shirley moved

That the House adjourn at 2 o'clock this P. M., and that members who live at a distance, have permission to return to their homes.

Which motion prevailed,

And the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House, that the Senate has receded from its disagreement to the amendments to Senate Bill 166.

Also, that the Senate concurs in the amendments of the House.

Also, I am directed by the Senate to inform the House,

That the Senate has passed House Joint Resolution No. 3, entitled "A joint resolution instructing our Senators and requesting our Representatives in Congress, to secure the passage of a law to equalize the bounty of the Soldiers and Seamen of the United States, in the war of the Rebellion," and the same is herewith returned to the House.

MR. SPEAKER :

I am directed by the Senate, to transmit to the House, for the signature of the Speaker thereof, Enrolled Senate Act No. 165, to wit :

An act to regulate certain matters of legislative practice, in the two Houses of the General Assembly of the State of Indiana.

Also, an Enrolled Act of the Senate No. 445, entitled "An act in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employes of each House, and regulating their duties."

The following message was received from the Governor by his Private Secretary, John M. Commons :

MR. SPEAKER :

I am directed by the Governor to respectfully inform the House, that he has approved and signed the following acts, viz.:

Enrolled Act of the House No. 32, entitled "An act to provide for the time of holding the Court of Common Pleas in the Tenth Judicial District of the State, and to repeal all laws in conflict therewith," and declaring an emergency.

Enrolled Act of the House No. 73, entitled "An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery."

Enrolled Act of the House No. 119, entitled "An act in relation to organizing the two Houses of the General Assembly, and defining

certain duties of certain officers in relation thereto and declaring an emergency."

Enrolled Act of the House No. 134, entitled "An act fixing the time of holding Circuit Courts and the length of terms thereof in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for the return of process thereto."

Enrolled Act of the House No. 148, entitled "An act defining certain felonies and prescribing punishment therefor, compelling testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act."

Enrolled Act of the House No. 163, entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon.

Enrolled Act of the House No. 172, entitled "An act to fix the time of holding the terms of the Common Pleas Court in the several counties comprising the Sixth Judicial District, the duration of such terms and repealing all laws in conflict therewith.

Enrolled Act of the House No. 259, entitled "An act making special appropriations for the years one thousand eight hundred and seventy-one, and one thousand eight hundred and seventy-two." And that the said several acts have been deposited in the office of the Secretary of State.

Also, that he has caused House Joint Resolution No. 3, being a joint resolution instructing our Senators and Representatives in Congress to support an act pending in the Senate of the United States to enable honorably discharged soldiers and sailors, their widows and orphan children to acquire homesteads on the public lands of the United States.

Also, House Joint Resolution No. 7, entitled "A joint resolution in relation to an appropriation by Congress for the completion of the harbor at Michigan City," to be deposited in the office of the Secretary of State, and that certified copies thereof will be forwarded to each of our Senators and Representatives in Congress as soon as practicable.

JOHN M. COMMONS,
Private Secretary.

The following message was received from the Senate, by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the following resolution of the House, to wit:

Resolved by the House of Representatives, the Senate concurring, That the General Assembly will adjourn *sine die* to-morrow at 10 o'clock A. M., with the following amendment of the Senate, to wit:

By striking out the words "10 o'clock A. M." and insert "12 o'clock midnight," in which the concurrence of the House is respectfully requested.

Also, that the Senate concurs in the following resolution of the House, to wit:

Resolved by the House of Representatives, (the Senate concurring) That there shall be appointed a committee of nine, six on the part of the House and three on the part of the Senate, to be so distributed as near as possible to represent the different parts of the State, who shall make an equalization of the principal circuits and districts of the State, taking as a basis a population of not less than sixty thousand inhabitants as near as may be, and requiring as near as may be the time of each judge for at least forty weeks in each year and that said committee report to the Senate and House of Representatives a bill creating said several circuits and district at the regular session, said circuits shall be made with reference to the present residence of the judges; said committee shall have power to sit during the vacation between the special and regular session and shall be allowed for their services five dollars per day each for each day engaged on such committee.

The message of the Senate in relation to the concurrent resolution on the matter of the apportionment of the State for judicial purposes, and providing for the appointment of a committee of nine, constituting three members of the Senate and six of the House, was taken up and the Speaker announced the following named gentlemen as such committee on the part of the House:

Messrs. Wollen, Williams of Ripley, Cauthorn, Cobb, Offutt, Cowgill.

The Speaker announced that he had signed Enrolled Senate Act No. 165, and also, Enrolled Senate Act No. 145.

Mr. Kimball offered the following resolution :

Resolved, That the Doorkeeper be directed to take charge of the property belonging to the State remaining in the different committee rooms of the House, so that the same shall not be lost to the State.

Which was adopted.

Mr. Kimball moved that when this House adjourn it adjourn until 10 o'clock A. M. to-morrow.

Which motion prevailed.

On motion of Mr. Kimball,

Messrs. Offutt, Johnson and Edwards of Lawrence were appointed a committee to procure a minister of the gospel to open the House to-morrow with prayer.

The joint committee on enrolled bills submitted the following report :

MR. SPEAKER :

Your joint committee on enrolled bills would report that they have examined Enrolled Act of the Senate No. 145, entitled "An act in relation to the organization of the two Houses of the General Assembly, etc.," and find that the same is correctly enrolled.

The following message was received from the Senate by the Secretary thereof :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution, to wit :

A concurrent resolution to provide for the publication of a certain act therein named.

WHEREAS, The General Assembly, at the present session thereof, passed an act which has become a law of the State, entitled "An act

to provide for a uniform assessment of property and for the collection and return of taxes thereon." And,

WHEREAS, From the voluminous character of the act, and the intricacy of the subject, it is probable that such defects in the act may become apparent as to require supplemental or amendatory legislation, at the approaching regular session thereof, to the end that said act may, at the earliest practicable time, be placed in the hands of the county officers to whom its execution in a great measure will be entrusted;

Resolved by the Senate, (the House of Representatives concurring,) that the Secretary of State be and is hereby directed to cause one thousand copies of said act to be printed in pamphlet form as soon as possible and that he cause six copies of such act when so published to be transmitted without delay, by mail, to the County Auditor of each county for the use of the county officers.

I am also directed by the Senate to herewith transmit to the House of Representatives for the signature of the Speaker thereof:

Enrolled Act No. 166. An act regulating the sale of county property, and the letting and building of public buildings and bridges, fences and monuments, and declaring an emergency.

The Speaker announced that he had signed Enrolled Senate Act No. 166.

On motion,

The message of the Senate, in relation to the publication in pamphlet form of an act entitled "An act to provide for the uniform assessment of property, and for the collection and return of taxes thereon, passed at the present session of the General Assembly, was taken up, and,

On motion,

The concurrent resolution was concurred in.

Mr. Prentiss presented petitions from sundry citizens on the subject of temperance.

Which were referred to the committee on temperance.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the President of the Senate to inform the House that he has signed the following enrolled act, to wit:

Enrolled Senate Act No. 166. An act regulating the sale of county property, and the letting of public buildings, bridges, fences and monuments, and declaring an emergency.

Also Enrolled Senate Act No. 259. An act making specific appropriations for the years 1871 and 1872.

And the same has been delivered to the joint committee on enrolled bills.

On motion of Mr. Cobb,

The House adjourned until to-morrow morning at 10 o'clock.

SUNDAY MORNING.

DECEMBER 22, 1872, 10 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

Prayer was offered by the Rev. Mr. Green, of Indianapolis.

On motion of Mr. Johnson,

The reading of the Journal of yesterday was dispensed with.

On motion of Mr. Cobb,

The House adjourned until 2 o'clock P. M.

AFTERNOON SESSION, 2 O'CLOCK.

The House met pursuant to adjournment, with the Speaker in the chair.

The following message was received from the Senate by the Secretary thereof:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has no further business to communicate, and to inquire if the House of Representatives has any further communications to send to the Senate during the present General Assembly.

Mr. Cobb offered the following resolution:

Resolved, That a committee of three be appointed to wait upon his Excellency, Governor Baker, to inquire of him whether he has any further communication to make to this House.

Which was adopted.

Whereupon the Speaker announced the following named gentlemen as such committee :

Messrs. Thompson of Elkhart, McConnell and Cobb.

Mr. Thompson, of Elkhart, offered the following resolution.

Resolved, That this House inform the Senate that the House has no further business to communicate.

Which was adopted.

Mr. Thompson of Elkhart, chairman of the committee appointed to wait upon the Governor, and inquire if he had any further communication to transmit to the House, submitted the following report.

MR. SPEAKER:

Your committee appointed to wait upon his Excellency the Governor, have discharged that duty, and we are instructed to say that his Excellency has no further business to communicate to this House.

Which was concurred in.

Mr. Woodard moved that the House do now adjourn *sine die*.

Whereupon the Speaker said :

Gentlemen of the House of Representatives :

The diligent attention you have bestowed, to consider and mature the proceedings of this session, is marked by signal ability and fidelity to the interests of those whose confidence you represented. The work in progress to be completed by the general session, with the important measures enacted, fully warrant the call of the Governor in convening this special session.

The courtesy you have so generously extended to each other, and with so much kindness to me, in the discharge of the arduous and delicate responsibilities of this position; the resolution of approval you adopted, overlooking all errors, commands me willingly to appreciate your favors as a body with the highest regard for each of you personally.

The officers, especially those more directly connected with me around this desk, have pleasantly and correctly performed their several duties with entire satisfaction.

Wishing you a happy return to your homes, I now, to discharge the last duty devolving upon me, by your order, with the concurrence of the Senate, declare this House adjourned *sine die* from 12 o'clock to-night.

CYRUS T. NIXON,
Principal Clerk.

MOSES G. McLAIN,
Assistant Clerk.

INDIANAPOLIS, DECEMBER 31, 1872.

RECEIVED of Clerk and Assistant Clerk of the House of Representatives, special session, 1872, the House Journals of said session for filing in the office of the Secretary of State agreeably to an act passed by the General Assembly of Indiana during said session.

JOHN H. FARQUHAR,

Secretary of State.

BY O. M. EDDY, Deputy.

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HOUSE BILLS.

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✓ 2	A BILL to fix the time of holding the Courts in the Third Judicial Circuit, the duration of the terms thereof, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.	Peed.	22, 91, 451, 452.
✓ 3	A BILL to repeal an act for the construction of levees, dykes, and drains, by incorporated companies and associations, which act took effect May 22, 1869, and also to repeal an act supplemental thereto, approved February 22, 1871, and saving from the operation of this act all works ten miles in length and under.	Butterworth.	22, 91, 115, 147, 351, 395, 471.
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✓ 6	A BILL creating the Indiana Centennial Association.	Kimball	51, 91, 275, 330.
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16	A BILL on the subject of Temperance.	Lenfesty.	73.
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21	A BILL to amend the 7th section of an act regulating the granting of divorces, etc.	Pfirmer.	74, 97.
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24	A BILL to provide for designated depositories for the safe keeping of the public funds in the State and several counties, etc.	Woolen.	76, 270, 459.
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50	A BILL to amend the fifth section of an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 11, 1852, prescribing the duties of Township Trustees in relation thereto, adding an additional section, and declaring an emergency.	Odle.	89, 171, 195.
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HOUSE BILLS—Continued.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
64	A BILL to amend an act passed at the special session of the General Assembly, began on the 13th day of November, 1865, to secure a just valuation and taxation of all railroad property within this State, etc.	Mellet.	92, 171, 625.
65	A BILL to amend an act to provide for a general system of Common Schools.	Canthorn.	93, 504.
56	A BILL authorizing the appropriation of money out of the State Treasury, for the use of the Indiana University, located at Bloomington, Monroe county.	Furnas.	93, 222, 329, 410, 626, 537, 545.
57	A BILL to prevent stock running at large.	Hollingsworth.	93.
58	A BILL to promote the science of medicine and surgery.	Bowser.	99.
59	A BILL to amend section six of an act entitled "An act to amend an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers, in relation thereto," approved March 5, 1859; approved December 20, 1865.	Ellsworth.	100, 276, 333.
60	A BILL to provide for the assessment and collection of taxes for municipal purposes, on the shares of stock owned in banks, etc.	Givan.	101, 470, 589.
61	A BILL to repeal the act creating the Twenty-seventh Judicial Circuit, etc.	Willard.	101.
62	A BILL limiting the disposition of property by last will and testament in certain cases, etc.	Willard.	101, 315.
63	A BILL to amend sections 10, 11, 12, 14, and 26, of an act to provide for a general system of common schools.	Troutman.	102.
64	A BILL, making the first day of January, the fourth day of July, the twenty-fifth day of December, Thanksgiving; and the days of the General Election, State and Presidential, holidays; and to regulate the maturity of commercial paper falling due on said days.	Buskirk.	103, 353, 434.
65	A BILL to authorize Prosecuting Attorneys of Circuit Courts to prosecute the pleas of the State in Justices' Courts, etc.	Isehower.	103, 131.
67	A BILL on Morgan raid claims.	Pfirmer.	104.
68	A BILL to amend the seventh clause of section 22 of an act for the incorporation of towns.	Offat.	104.
69	A BILL in relation to the settlement of section 22 of an act for the Township Trustees, defining the time for settlements.	Kirkpatrick.	104, 145, 190, 362, 364.
70	A BILL to enable counties bordering on the State lines or rivers forming State boundaries, and townships and cities therein, to aid the construction of railroads opposite such counties in other States, to run to such counties or to the State line or river forming the State boundary bordering such counties, or to form connections	Branham.	104, 217, 288, 431, 442, 489, 499.

71	with other railroads in such counties, and prescribing the duties of the officers of counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency. A BILL to amend section 90 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and prescribing their powers, and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 14, 1867.	Branham.	107, 173, 197, 234, 249.
72	A BILL in relation to Criminal Circuit Courts, and to create the 29th Judicial Circuit, providing for the appointment and electing of a Judge and Prosecuting Attorney therein, and providing compensation therefor, declaring the jurisdiction of said Court, and providing for a transfer of action thereto.	Branham.	107, 134, 191.
73	A BILL fixing the per diem and mileage of members of the General Assembly, and providing that they shall provide their own stationery.	Willson of Ripley.	108, 137, 195, 250, 265, 353, 354, 375, 413, 414, 512, 550, 665.
74	A BILL to amend section 90 of the practice act.	Wood.	108, 210.
75	A BILL to authorize and regulate the incorporation of banks of discount and deposit.	Hardesty.	109.
76	A BILL to amend act to enable owners of wet lands to drain and reclaim them. etc.	Martin.	109, 233, 589, 590.
77	A BILL concerning promissory notes, bills of exchange, bonds or other instruments in writing, etc.	Woodard.	109, 131.
78	A BILL to amend section 10 of an act for the erection of a new prison north of the National Road.	Smith.	110, 271.
79	A BILL to amend sections 16 and 20 of an act to amend "An act providing for the election or appointment of supervisors of highways."	Glasgow.	110, 276.
80	A BILL to prevent the spread of the thistle.	Hollingsworth.	110.
81	A BILL to amend sections 2, 3, 4 and 6 of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855, and to amend section 2 of an act amendatory of said act, approved Dec. 18, 1855, and to amend section 2 of an act amendatory of said act, approved Feb. 24, 1858.	Walker.	110, 134, 195.
82	A BILL to repeal an act for the protection of fish, etc.	Barrett.	118, 471.
83	A BILL providing for the health and safety of persons employed in the coal mines of Indiana.	Gifford.	118, 242, 401.
84	A BILL for the assessment and collection of taxes on foreign insurance companies.	Givan.	119.
85	A BILL to amend sections 10 and 11 of an Act regulating the granting of divorces, etc.	Miller.	119.
86	A BILL for the protection of certain birds therein named, etc.	Mellet.	120, 383.
87	A BILL to amend an act for a general system of common schools.	Mellet.	120.
88	A BILL to provide for the registration of births, marriages and deaths in the State of Indiana.	Leinfesty.	120, 277, 407.
89	A BILL to amend sections 49 and 87 of an act for the settlement of decedents' estates, etc., etc.		120, 210.
90	A BILL touching public squares in towns laid out, platted and recorded, with public grounds not specifically dedicated, and the matters therewith connected.	Ramsey.	121, 170, 190, 377, 433, 584, 639, 645.

HOUSE BILLS—Continued.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
91	A BILL to amend an act concerning promissory notes and bills of exchange.	Cobb.	121.
92	A BILL to amend an act entitled "An act to establish a House of Refuge for the correction and reformation of juvenile offenders," approved March 6, 1867, and repealing section 11 of said act.	Baxter.	121, 173, 216, 224, 247, 336, 375, 390, 405.
93	A BILL to amend section 16 of an act to enable persons whose wives are insane to convey real estate.	Baxter.	122, 210, 584.
94	A BILL to divide the State of Indiana into Congressional Districts.	Wynn.	122.
95	A BILL authorizing cities and towns incorporated under the authority of the State of Indiana, to make and adopt a survey and plat thereof, when there is no sufficient survey and plat thereof, and to authorize such cities and towns to adopt any survey and plat thereof already made, and declaring an emergency.	Cuthorn.	123, 136, 192, 604.
96	A BILL to repeal an act to authorize aid to the construction of railroads by counties and townships, etc.	Edwards of Lawrence.	123, 448, 493.
97	A BILL to amend the 37th section of an act to provide for the opening, vacating, and changing of highways.	Billingsley.	124, 217.
98	A BILL to make certain specific appropriations therein mentioned.	Johnson.	124, 169, 204, 336, 374, 390, 406.
99	A BILL to authorize incorporated cities containing a population of 30,000 or over, to effect loans and issue bonds.	King.	124, 136, 195, 317, 446, 447.
100	A BILL relative to the laying out, opening, widening, altering, and vacation of streets, alleys, highways, etc.	King.	125, 446, 635.
101	A BILL to protect the citizens of the State from impericisms, etc.	Sattorwhite.	125, 216, 254.
102	A BILL requiring judges having jurisdiction over probate matters to examine bonds of executors, administrators, guardians, etc.	Shirley.	125.
103	A BILL to amend sections 1, 7 and 8 of an act for the maintenance of sick and disabled soldiers and seamen, and their orphans and wives, &c.	Tingley.	126.
104	A BILL to amend the 78th section of the Practice Act, etc.	Ofutt.	156, 215, 255.
105	A BILL to amend section 11 of an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes, etc., etc.	Thompson of Elkhart.	139, 355.
106	A BILL to amend an act for the protection of fish.	Clark.	159.
107	A BILL to amend section 1 of an act providing for the protection of fish, etc.	Hedrick.	159, 217.
108	A BILL to amend an act to create a State Normal School, etc., etc.	Braham.	163, 433.
109	A BILL to provide for the service of summonses in all suits before Justices of the Peace, etc.	Peck.	164.
110	A BILL to prohibit persons under the age of twenty-one years from buying spirituous, vinous, malt, or other intoxicating liquors, etc.	Peck.	164.

HOUSE BILLS—Continued.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
134	A BILL to fix the time of holding Circuit Courts, and length of terms thereof, in the several counties comprising the Twelfth Judicial Circuit of the State of Indiana, and providing for return of process thereto.	Gregory.	219, 277, 278, 437, 594, 645, 666.
135	A BILL to amend section 2 of an act providing for the redemption of real property sold on execution, etc.	Thompson, of Elkhart.	218, 348.
136	A BILL to amend section 654 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleading, and forms in civil cases in the Courts in this State," etc.	Lenfesty.	219, 850, 848.
137	A BILL to amend an act entitled "An act to revise, simplify, and abridge the rules, practice and pleadings, and forms, in criminal actions in the Courts in this State."	Johnson.	220, 250, 292.
138	A BILL to amend the third section of the act entitled "An act to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings and pay the debts contracted for erection of such buildings, and authorize the levy and collection of additional special school tax, for the payment of principal and interest of such bonds," approved March 11, 1897.	North.	220, 316, 530.
139	A BILL relating to expenses incurred by one county by change of venue from another county.	North.	220, 259, 333.
140	A BILL repealing an act for the protection of fish.	Woodard.	221, 316.
141	A BILL to amend section 7 of an act regulating the granting of licenses.	Mellett.	221.
142	A BILL to amend section 7 of an act regulating the granting of licenses.	Smith.	221, 347.
143	A BILL to amend section 1 of an act to incorporate the University of Notre Dame Du Lac, in the State.	Butterworth.	221, 356.
144	A BILL to provide for the crossing of railroads, the keeping in repair such crossings, and providing for the expense thereof.	Cowgill.	221, 272, 334.
145	A BILL to amend sections 17 and 20 of "An act to provide for the opening, vacation and change of highways."	Gregory.	222, 351, 447.
146	A BILL to prevent the obstruction of ditches, drains, and running streams.	Haley.	223.
147	A BILL regulating the rate of interest upon the loan or forbearance of money, etc.	Wesner.	228, 258.
148	A BILL defining certain felonies and prescribing punishment therefor, compelling the testimony of parties engaged therein against others than themselves, declaring contracts with respect thereto void, and repealing all acts in conflict with this act.	Edwards, of Vigo.	228, 344, 527, 630, 633, 649, 651, 666.

✓ 149	A BILL to amend sections 39 and 131 of the practice act.	Edwards, of Vige.	229, 349,
✓ 150	A BILL to repeal section two of "An act defining certain misdemeanors," etc.	Wesner.	229, 442.
✓ 151	A BILL to amend an act entitled "An act to declare abandoned certain unfinished railroads, and to provide for their completion, to declare forfeited the franchises of certain railroad companies, and for the assessment of the value thereof, for the organization of new companies, and for making annual statements."	Kimball.	229, 346, 415.
✓ 152	A BILL to amend an act entitled "An act to provide for the incorporation of railroad companies."	Kimball.	229, 345, 416.
✓ 153	A BILL to provide for the call of a convention to form a Constitution for this State.	Branham.	230.
✓ 154	A BILL to amend "An act to make appropriations for the current expenses of the benevolent institutions of the State, where the State fails to make the necessary appropriation therefor."	King.	230.
✓ 155	A BILL providing for a general system of common schools in all cities of eight thousand or more inhabitants, and for the election of a Board of School Commissioners for such cities, and defining their duties and prescribing their powers; and providing for common school libraries within such cities; and providing that cities having a less population than eight thousand inhabitants may, by a majority vote of the members of the Common Council, order the election of members of a Board of School Commissioners, according to the provisions herein, and defining their powers and duties, and repealing all laws in conflict therewith, and declaring an emergency.	Walker.	230, 279, 341.
✓ 156	A BILL to amend sections 4, 9, 10, 11 and 12 of "An act to regulate and license the sale of spirituous, vinous and malt liquors, to prohibit the adulteration of liquors," etc.	Wesner.	245, 355.
✓ 157	A BILL authorizing the refunding of taxes collected in certain counties of the State of Indiana for the years 1869 and 1870, upon erroneous assessments, etc.	Richardson.	245, 440.
✓ 158	A BILL declaring all railroad companies, common carriers; to regulate the passenger fares, and tariff of freight thereon, etc.	Ofttt.	245.
✓ 159	A BILL to regulate the practice of dentistry in the State of Indiana.	Walker.	251, 348.
✓ 160	A BILL providing for the permanent improvement and repair of the State, county and township roads, etc.	Ogden.	251.
✓ 161	A BILL to abolish Courts of Common Pleas in this State, and to establish Probate Courts.		251.
✓ 162	A BILL to authorize cities to correct the erroneous listing, description, and assessment of real estate liable to city taxes, and when so corrected to collect all taxes due thereon, and to list, assess, and collect taxes on any property liable to city taxes of any person or persons who have furnished the assessor with a false or defective statement of his or their property, or the value thereof.	Canthorn.	251, 252, 253.
✓ 163	A BILL to provide for a uniform assessment of property, and for the collection and return of taxes.	Kimball.	255, 398, 427, 430, 561, 644, 619, 666.
✓ 164	A BILL to amend the second section of "An act concerning the organization and perpetuity of voluntary associations," etc.	Ogden.	273, 326, 533.
✓ 165	A BILL allowing additional compensation to the Governor for house rent, etc.	Woolen.	282, 326, 340.

HOUSE BILLS—Continued.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
166	A BILL fixing the salary of the Governor.		
167	A BILL to preserve the original manuscript Journals of the Senate and House of Representatives of the General Assembly, and prescribing a penalty for the mutilation thereof.	Kimball. Cauthorn.	283, 326, 340. 286, 349, 573.
✓ 168	A BILL to amend an act entitled "An act to establish Courts of Common Pleas, and defining the Jurisdiction and duties of, and providing compensation for the Judges thereof."	Walker.	293.
✓ 169	A BILL to amend the first section of "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof," etc.	Wesner.	295.
✓ 170	A BILL to amend sections 157 and 664 of an act to revise, simplify the rules, etc.	Brett.	296, 346, 575.
✓ 171	A BILL prescribing the manner of selecting petit jurors for the Circuit and Common Pleas Courts, and declaring an emergency.	Green.	296, 345, 538.
172	A BILL to fix the time of holding the terms of the Common Pleas Courts in the several counties, composing the Sixth Judicial District, the duration of such terms, and repealing all laws in conflict therewith.	Broadus.	296, 357, 466, 646, 666.
✓ 173	A BILL to prevent empiricism, and to elevate the standard of the medical profession, etc.	Willard.	296.
174	A BILL to amend section 32 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.	Baker.	297, 356, 533.
✓ 175	A BILL in relation to mortgages of real estate, and the recording thereof, etc., etc.	Isenlower.	297, 351.
✓ 176	A BILL to prevent extortionate charges for and unjust discriminations in the transportation of freights by Railroad Companies and other common carriers, etc., etc.	Branham.	298.
✓ 177	A BILL, fixing the time of holding the Courts in the counties composing the First Judicial Circuit of this State, and repealing all laws conflicting therewith and declaring an emergency.	Wilson of Ripley.	298, 352, 536.
178	A BILL to amend section 1 of an act entitled "An act to amend section seventy-seven of an act entitled 'An act to revise, simplify and abridge the rules, practice and pleadings and forms in Criminal actions in the Courts of this State,'" approved June 17, 1852; approved December 20, 1865.	Wilson of Ripley.	298, 438.
✓ 179	A BILL to amend section 1 of the Practice Act.	Wilson of Ripley.	298, 349, 578.

✓ 180	A BILL abolishing the grand jury system, etc.	Wood.	290, 352, 579.
✓ 181	A BILL in relation to the funded debt of the State of Indiana.	Kimball.	300, 328.
✓ 182	A BILL defining the procuring of abortion or miscarriage to be a felony or murder, etc.	Glazebrook.	300.
✓ 183	A BILL to divide the State into Congressional Districts.	Hardesty.	301, 440, 441.
✓ 184	A BILL creating the 30th Judicial Circuit, etc.	Peed.	317, 392.
✓ 185	A BILL to legalize the official acts of the Boards of Trustees of the town of Huntingburg, Dubois county, Ind., and all other officers of said corporation, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.	Peed.	318, 472, 571, 638, 641, 645.
186	A BILL to amend an act declaring the having carnal knowledge of an insane woman in certain cases, to be a felony, etc.		318.
187	A BILL to prohibit township trustees from levying a tax upon the inhabitants of incorporated towns, etc., etc.	Satterwhite.	318, 373, 581.
✓ 188	A BILL to amend section 433 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Shirley.	319, 439, 583.
✓ 189	A BILL to place directors and other officers of Macadamized and Gravel Road Companies on equal terms with other creditors in all suits for the collection of money due them, etc.	Woodward.	319.
✓ 190	A BILL to amend section 25 and 26 of an act regulating descents and the apportionment of estates.	Whitworth.	320, 367.
191	A BILL defining felonies prescribing the punishment therefor.	Hatch.	320, 392, 571.
✓ 192	A BILL to amend section 7 of an act providing for the election or appointment of supervisors of highways, etc.	Butts.	320, 447.
193	A BILL to amend section 2 of an act for the protection of wild game, etc.	Butts.	320, 393.
✓ 194	A BILL repealing section 18 of an act regulating descents and the apportionment of estates, etc.	Glasgow.	321.
✓ 195	A BILL to amend the first section of an act to incorporate the University Notre Dame Du Lac, at South Bend, in this State.	Henderson.	321.
196	A BILL to prevent injurious results arising from the use of intoxicating drinks by public officers, etc.	Hollingsworth.	321.
197	A BILL regulating the fees of certain officers herein named, etc.	Cole.	321.
✓ 198	A BILL to amend sections 15, 19, 31, and 49, of an act approved May 12, 1859, entitled "An act providing for the organization of Savings Banks, and the safe and proper management of their affairs."	Biggs.	321, 353, 445, 531.
✓ 199	A BILL concerning the fees of county recorders, and to amend an act concerning real property and the alienation thereof, etc.	Rudler.	322.
200	A BILL to authorize and empower Boards of County Commissioners to equalize local county bounty to soldiers, etc.	Mellet.	322, 631, 632, 633.
✓ 201	A BILL exempting property of cities and incorporated towns from sale on execution in certain cases.	Cobb.	323.
✓ 202	A BILL to amend the 8th section of an act prescribing the powers and duties of coroners, etc.	Frimmer.	323, 368.

HOUSE BILLS—Continued.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
✓ 203	A BILL supplemental to an act for the incorporation of manufacturing and mining companies	A Committee.	356.
✓ 204	A BILL to legalize sales by guardians under orders defective in not prescribing notice, etc.	Gifford,	358, 440.
✓ 205	A BILL to divide the State into Congressional Districts.	Ellsworth.	359.
✓ 206	A BILL to amend section one of an act to organize a Supreme Court, etc.	Edwards of Lawrence,	360, 443.
207	A BILL to provide for the semi-annual collection of taxes.	Satterwhite.	360.
208	A BILL to legalize the official acts of the several Boards of Trustees of the town of Monroeville, Morgan county, Indiana.	Shirley,	360.
209	A BILL relating to the fencing of railroads and cattle guards thereon.	Shirley.	361.
210	A BILL to amend the twentieth section of an act, approved May 13, 1863, and entitled "An act to establish a Female Prison and Reformatory Institution for Girls and Women, providing for the organization and government thereof, and making appropriation."	Baxter.	361, 448, 584.
✓ 211	A BILL supplemental to an act entitled "An act to establish a Female Prison and Reformatory Institution for girls and women, and to provide for the organization and government thereof, and making appropriation," approved May 13, 1863.	Baxter,	361, 449, 585.
212	A BILL defining the misdemeanor of keeping houses of ill-fame, etc.	Butts,	364, 419.
213	A BILL defining cruelty to animals.	Judiciary Committee,	366.
214	A BILL to amend sections 25 and 26 of an act entitled "An act regulating descents and apportionment of estates," approved May 14, 1852.	Wilson of Ripley.	367, 488, 576, 577.
215	A BILL to create the Judicial Circuit, to authorize the appointment of Judge and Prosecuting Attorney therefor, etc.	Cline.	375, 442, 587.
216	A BILL defining and making it a misdemeanor for Prosecuting and District Attorneys and Deputy District Prosecuting and Deputy District Attorneys, to receive any gift, bribe, reward, etc.	Wesner.	375, 439.
217	A BILL to amend section six of an act concerning promissory notes.	Cobb.	377.
218	A BILL to amend section 208 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	Wilson of Ripley,	377, 443.
219	A BILL to regulate the sale of drugs and medicines, etc.	Glazebrook,	378, 445, 446.
220	A BILL to amend the first section of an act to organize a Supreme Court, etc., etc.	Johnson,	378.

221	A BILL to provide for the recording of certain leases, real estate, therein mentioned, etc.	Peed.	378.
222	A BILL to suppress tippling houses, to regulate the sale, barter and giving away, of spirituous and malt liquors, etc., etc.	Butts.	379.
223	A BILL defining what counties shall constitute the Thirtieth Judicial Circuit, etc.	Riggs.	379, 443, 530.
224	A BILL to amend the first section of an act approved January 14th, 1846, to incorporate the female seminary of St. Mary's of the Wood's in Vigo county, Indiana, etc.	Edwards of Vigo.	379.
225	A BILL to amend section second of an act to provide for the protection of wild game.	Billingsley.	393.
226	A BILL to amend the 453d section of the practice act.	Canthorn.	424.
227	A BILL providing for the payment to township trustees of all moneys which shall have been collected from townships, for either general, special or specific purposes, except such moneys as may have been collected from townships for State and county revenue, and prescribing punishment of officers failing to comply with the requirements hereof, and repealing all laws inconsistent therewith.		431, 471, 528, 644, 645.
228	A BILL to amend an act relative to the disabilities of Circuit Judges, etc., etc.	Kirkpatrick.	432.
229	A BILL to provide for the statutes of Indiana to the Justices of the Peace in the State.	Strange.	436.
✓ 230	A Bill regulating coal mines and the working thereof, providing for the appointment of a Mine Inspector, regulating his duties, &c.	Gifford.	461, 636.
231	A BILL amending an act to authorize the construction of railroads by counties and townships, taking stock therein, etc., etc.	Wynn.	468.
232	A BILL to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, etc.	Mellet.	468.
✓ 233	A BILL to divide the State into Congressional Districts.	Walker.	468, 484.
234	A BILL relating to the terms of Courts, the forming of issues and trials in criminal and civil causes, etc.	Shirley.	468.
235	A BILL supplemental to "An act to authorize aid to the construction of railroads by counties and townships, taking stock in, and making donation to railroad companies," approved May 12, 1869.		473, 475, 476, 638, 644, 646.
✓ 236	A BILL to provide for taking the sense of the qualified voters of this State on the calling of a Constitutional Convention.	Heller.	480, 653.
✓ 237	A BILL to amend the act prescribing the powers and duties of Justice of the Peace in State prosecutions.		480.
✓ 238	A BILL to amend an act regulating descents and the apportionment of estates.	Weener.	480.
✓ 239	A BILL to prevent the erection of slaughter houses, etc., upon streams of water, etc.	Martin.	481.
✓ 240	A BILL to amend an act providing for the election and qualification of Justices of the Peace, etc.	Givan.	481.
✓ 241	A BILL to give security to persons who contract with railroad companies to perform work and labor in the construction of railroads, and declaring an emergency.	Claypool.	482, 539, 540, 541.
242	A BILL concerning promissory notes payable in bank.	Woolen.	483.
✓ 243	A BILL to repeal an act for the protection of wild game, etc.	Teeter.	484.

HOUSE BILLS—Continued.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
244	A BILL to amend section 10 of an act entitled an act to provide for general system of common schools,	Peed.	484.
245	A BILL to provide for paroling of prisoners who may be confined in any county jail for non-payment of fines, etc.	Johnson.	484.
246	A BILL concerning the granting of pardons by the Governor.	Johnson.	484.
247	A BILL in relation to the qualifications of jurors.	Johnson.	485.
248	A BILL for the preservation of evidence in certain cases, providing for the appointment of Official Reporter for the Courts of this State, etc.		
249	A BILL for an act to fix the salaries of Judges of the Supreme Court, etc.	Cauthorn.	485.
250	A BILL to amend sections 1, 2, 3, 4, 8 and 18 of an act to authorize aid to the construction of railroads by counties and townships, etc.		486.
251	A BILL to promote immigration to the State of Indiana.	Schmuck.	487.
252	A BILL to amend section 1 in relation to the change of public highways.	Whitworth.	487.
253	A BILL to amend section 26 of an act prescribing the powers and duties of Justices of the Peace in State prosecutions.	Ogden.	487.
254	A BILL to amend an act to incorporate the Lawrenceburg Insurance Company.	Riggs.	487, 551.
255	A BILL for the relief of the Indiana University, and to increase and extend its benefits, etc.	Hatch.	511.
256	A BILL to regulate the order of business in the Circuit and Common Pleas Courts of this State, etc.		511.
257	A BILL to amend the 3d section of an act, entitled "An act districting the State for judicial circuits," approved June 17, 1852.	Wolfin.	520, 521, 544.
258	A BILL to amend the 1st section of an act, entitled "An act to create the Fifteenth Judicial Circuit," approved February 22, 1856.	Woldin.	522, 523.
259	A BILL making specific appropriation for the years 1871 and 1872.	Kinball.	524, 612, 615, 616, 659, 661, 664, 666, 670.
260	A BILL to fix the number of Senators and Representatives to the General Assembly of the State of Indiana.	Cauthorn.	542.
261	A BILL to amend section 1 of an act to provide for a general system of common schools.		571, 613.
262	A BILL to regulate and license the sale of vinous and malt liquors; to prohibit the sale of spirituous liquors in quantities of less than five gallons, etc.	Leffesty.	650.
263	A BILL in relation to railroad fences, limitations of actions, and prescribing remedies for live stock killed or injured, etc.	Anderson.	650.

264	A BILL to amend section 18 of an act regulating descents and apportionment of estates.	Prentiss.	651.
265	A BILL defining professional prostitution and prescribing punishment therefor, etc.	Clark.	651.
266	A BILL to amend an act for the opening, vacating and change of highways, etc.	Billingsley.	651.
267	A BILL to amend the Practice Act.	Jones.	652.

SENATE BILLS IN HOUSE.

No.	TITLE.	AUTHOR OF BILL.	ACTION THEREON.
165	A BILL regulating certain matters of legislative practice in the two Houses of the General Assembly of the State of Indiana.	Chapman.	618, 616, 617, 665, 668.
15	A BILL to authorize cities and towns to negotiate and sell bonds to procure means with which to erect and complete unfinished school buildings, and pay debts contracted for the erection of school buildings; and purchase of grounds and buildings for school purposes, and authorizing the levy and collection of an additional special school tax for the payment of principal and interest of such bonds, and legalizing such contracts heretofore entered into, and declaring an emergency.	Hubbard.	617.
167	A BILL fixing the time of holding the Court of Common Pleas of Ripley County in the Twenty-second Common Pleas District of this State and declaring an emergency.	Rosebrugh.	
71	A BILL to amend section 7 and 49 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 15, 1852.	Carnahan.	643.
150	A BILL to legalize taxes heretofore levied for the purpose of tuition, by the school trustees of any of the incorporated cities of this State, and authorizing the collection of the same, and declaring an emergency.	Armstrong.	592, 623.
151	A BILL to amend the first section of an act, entitled as follows: "An act to amend the first section of an act entitled an act for the incorporation of manufacturing and mining companies and companies for mechanical and chemical and building purposes," approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power, to carry on such business, or to supply any city or village with water, approved March 11, 1861, so as to authorize and provide for the incorporation of union stock yards and transit companies, and also to authorize and provide for the incorporation of grain elevator companies, and legalizing the incorporation of grain companies already formed, or attempted to be formed, and to which this is an amendment, and declaring an emergency.	Oliver.	593, 656, 657.
166	A BILL to regulate the sale of county property and the letting of public buildings and bridges and fences and monuments, and declaring an emergency.	Scott.	617, 624, 625, 626, 630, 643, 661, 669, 670.
48	A BILL to amend sections one and eight of an act entitled "An act to establish a home for the maintenance of sick and disabled Indiana soldiers and seamen, and their widows and orphans," approved March 11, 1867, and section two of an act supplemental thereto, approved May, 14, 1869.	Thompson.	617.

159	A BILL to provide for the submission to the qualified voters of this State, for their ratification or rejection, a proposed amendment to the Constitution of Indiana, therein mentioned, and declaring an emergency.	Dwiggins.	492, 570, 646.
118	A BILL to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the time of holding said Courts, requiring all persons to take notice thereof, for the return of process, and declaring when this act shall take effect.	Bowman.	493, 502, 503, 549, 550.
40	A BILL to amend section 2 of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and declaring an emergency.	Thompson.	515, 534, 535, 589.
54	A BILL to divide the State of Indiana into Congressional Districts.	Friedley.	515, 502, 594, 595, 618, 635.
140	A BILL to fix the number of Senators and Representatives to the General Assembly of the State of Indiana, and apportioning the same among the several counties of this State, and declaring an emergency.	Dwiggins.	515, 542, 549, 561, 593, 604, 631, 644.
145	A BILL in relation to the organization of the two Houses of the General Assembly, prescribing the number of officers and employees of each House, and regulating their duties.	Beardley.	493, 494, 497, 501, 621, 633, 665, 668.
45	A BILL to provide for the permanent inclosure of Tippecanoe Battle Ground.	Taylor.	493, 504, 515, 514, 549, 550, 562, 563, 564, 572, 584.
59	A BILL to amend section 16 of an act to authorize aid to the construction of railroads by counties and townships taking stock in, and making donation to Railroad Companies.	Haworth.	492, 563.
2	A BILL to authorize and regulate the incorporation of banks of discount and deposits in the State of Indiana.	Dougherty.	492, 566, 568.
87	A BILL, granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Evansville, and ceding jurisdiction over the same.	Gooding.	500, 568, 569, 627, 630.
6	A BILL to regulate and make uniform the price charged by railroad companies, for transporting goods, wares, merchandise and other property to and from stations on railroads in the State of Indiana; declaring the duty of certain officers in relation thereto; prescribing penalties for the violation thereof; and declaring an emergency.	Williams.	453, 462.
10	A BILL to amend section 58 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers, rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 19, 1867, and declaring an emergency.	Samuelhausen.	454, 463.
68	A BILL to amend the second section of an act entitled "An act creating the Twenty-third Common Pleas District, and making provisions therefor and repealing all conflicting laws," approved March 11, 1867, providing for the return of process and declaring an emergency.	Rhodes.	454, 463, 464, 465, 491, 494, 514.
88	A BILL to authorize and encourage the construction of levees, dykes, drains and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and providing for the organization of	Chapman.	455, 465.

SENATE BILLS, IN HOUSE—Continued.

No.	TITLE.	AUTHOR OF BILL.	ACTION THEREON.
134	such associations, and prescribing their powers, and providing for the assessment of the cost of such improvements and the expenses attending the same upon the lands benefitted thereby, and for the collection of such assessment. A BILL to create the 25th Judicial District of the Court of Common Pleas, defining what counties shall compose the same, fixing the time of holding the courts therein, and the duration of the terms thereof, and making all process from the present Common Pleas Court therein returnable to such terms, providing for the appointment of a judge and district attorney for such district, declaring when the same shall take effect, and repealing all laws that are inconsistent therewith.	Friedley.	454, 466, 546.
115	A BILL to prevent extortionate charges for, and unjust discriminations in the transporting of freight by Railroad Companies, and other common carriers, and to provide remedy when such extortions or discriminations are practiced.	Brown.	467, 566, 627, 628, 629.
52	A BILL dividing the State into Supreme Court Judicial Districts.	Taylor.	391, 422, 423, 492, 494, 514.
141	A BILL in relation to the funded debt of the State of Indiana, therein mentioned.	Brown.	396, 399, 400, 441, 442.
1	A BILL to repeal an act entitled "An act to authorize and encourage the construction of levees, dykes and drains, and the reclamation of wet and overflowed lands, by incorporated companies; and to repeal all former laws relating to the same subject," approved on the 22d day of May, 1869. Also, an act to repeal an act supplemental to an act entitled "An act to authorize and encourage the erection of levees, dykes and drains, and reclamation of wet and overflowed lands, by incorporated companies; and to repeal all former laws relating to the same subject." Which act took effect May 22, 1869; and prescribing penalties for the violations of the provisions thereof. Which last named act was approved on the 22d day of February, 1871.	Dwiggins.	411, 417, 418, 441, 442, 490.
3	A BILL to amend Section 4 of an act, entitled "An act authorizing the organization and perpetuity of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855; and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, approved February 20, 1867, and declaring an emergency.	Steele.	454, 459, 588, 627, 630.
5	A BILL to require railroad companies to issue stock paid for by taxes voted for in construction of railroads, to the taxpayers or their assigns, and to issue unclaimed stock for the benefit of the Common School Fund.	Taylor.	454, 460, 474, 485, 491, 494, 514.

8	A BILL to provide for the holding of Courts in the Twenty-fifth Com- mon Pleas District of the State of Indiana.	Smith.	230, 249, 288, 325, 350.
65	A BILL granting the consent of the State of Indiana to the purchase by the United States of certain lands for the purpose of the erection of a public building at Indianapolis, and ceding jurisdiction over the same.	Thompson.	260, 283, 284, 359, 390.
38	AN ACT supplemental to an act, approved February 27, 1865, entitled "An act appointing commissioners to sell certain real estate therein named, to provide residence for the Governor of the State, and to make him an allowance in lieu thereof until the same is provided, and matters properly connected therewith."	Gooding.	335, 338, 339, 390.
124 85	A BILL to define what shall be the salary of the Governor, etc. A BILL to protect the Wabash and Erie Canal, and the tolls and reve- nues thereof, from sale or sequestration for the satisfaction of the lien of certain bonds or stocks of the State, issued prior to the trans- fer of said canal to the present Board of Trustees thereof, and to provide for the satisfaction of said bonds or stocks.	Williams. Steele.	336, 337, 390. 367, 381, 385, 388, 431.
51	A BILL to amend section one of an act entitled "An act to organize a Supreme Court, and prescribing certain duties of the Judges thereof."	Taylor.	391, 420, 421, 492, 494, 514.

HOUSE JOINT RESOLUTIONS.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
1	A JOINT RESOLUTION proposing an amendment to the Constitution by adding to the 10th article a section in relation to the debt of the Wabash and Erie Canal.	Shirley.	16 60.
2	A JOINT RESOLUTION agreeing to and adopting an amendment proposed to the Constitution by the last General Assembly, by adding to the Ninth Article, a section in relation to the debts charged upon the Wabash and Erie Canal.	Kimball.	62, 411, 489, 499.
3	A JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress, to secure the passage of a law to equalize the bounties of the soldiers and seamen of the United States in War of the Rebellion.	Edwards, of Lawrence.	82, 97, 115, 183, 665, 666.
4	A JOINT RESOLUTION in relation to an appropriation by Congress for the improvement of the Ohio River.	Schnuck.	274.
5	A JOINT RESOLUTION instructing our Senators and requesting our Representatives to vote against any measure in Congress to divide the State into two or more judicial districts.	Branham.	
6	A JOINT RESOLUTION in relation to the Indiana Reformatory Institution for Women and Girls.	Baxter.	286, 287.
7	A JOINT RESOLUTION in relation to an appropriation by Congress for the completion of the harbor at Michigan City.	Teeter.	299, 591, 639, 646, 666.
8	A JOINT RESOLUTION in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.	Branham.	322.
9	A JOINT RESOLUTION in relation to an appropriation by Congress for improvement of the Wabash River.	Cauthorn.	326.
10	A JOINT RESOLUTION to give Union soldiers and sailors of the late war of 1861 of the recent rebellion a bounty land warrant for one hundred and sixty acres.	Martin.	376.

SENATE JOINT RESOLUTIONS IN THE HOUSE.

No.	TITLE.	BY WHOM INTRODUCED.	ACTION THEREON.
1	A JOINT RESOLUTION in regard to the improvement of the Ohio and Wabash rivers and their tributaries.	Gregg.	222, 223, 275.
2	A JOINT RESOLUTION in relation to the two per cent. claims of Ohio, Indiana and Illinois, now pending before Congress.	Steele.	359, 379, 431, 442.
3	A JOINT RESOLUTION instructing our Senators in Congress to support an act pending in the Senate of the United States.	Gregg.	618, 622, 646, 657.

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COLE, JAMES W.—

Appeared and sworn in.....	6
Bills introduced by	88, 321
Committees appointed on, standing	62, 63
Committees appointed on, select	90, 212
Reports made by	394
Motions made by.....	504
Petitions presented by	207

COWGILL, CHARLES G.—

Appeared and sworn in.....	6
Bills introduced by	89, 221
Committees appointed on, standing.....	61, 62, 63
Committees appointed on, select.....	667
Reports made by.....	135, 171, 271
Motions made by.....	77

CRUMPACKER, THEOPHILUS—

Appeared and sworn in.....	6
Committees appointed on, standing	61, 64
Committees appointed on, select	79, 102, 179

D

DIAL, STEPHEN D.—

Appeared and sworn in.....	130
Committees appointed on, standing	62, 65
Reports made by.....	607, 608

DURHAM, JESSE G.—

Appeared and sworn in.....	5
Committees appointed on, standing	62, 64
Committee appointed on, select.....	102

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EATON, RESON B.—

Appeared and sworn in.....	5
Committees appointed on, standing.....	62, 63, 65
Committee appointed on, select.....	24
Motions made by.....	557

EDWARDS, WILLIAM K., of Vigo.—

Appeared and sworn in.....	6
Nominated for Speaker	8
Elected Speaker	8
Bills introduced by.....	228, 229, 379
Motions made by.....	625

EDWARDS WILLIAM H., of Lawrence—

Appeared and sworn in.....	5
Committees appointed on, standing.....	61
Committees appointed on, select.....	90, 113, 424, 608
Bills introduced by.....	123, 179, 360
Reports made by.....	215, 352, 366, 440, 546
Resolutions offered by.....	82, 108
Motions made by.....	511, 556
Joint resolutions introduced by.....	82

ELLSWORTH, WILLIAM M.—

Appeared and sworn in.....	6
Bills introduced by.....	73, 100, 359
Committees appointed on Standing.....	62
Committees appointed on Select.....	113
Resolutions offered by.....	173
Petitions presented by.....	481

EWARD, JOHN W.—

Appeared and sworn in.....	6
Committees appointed on Standing.....	62, 64

F

FURNAS, ALLEN—

Appeared and sworn in.....	5
Bills introduced by.....	54, 93
Committees appointed on Standing.....	62, 63, 65
Committees appointed on Select.....	15
Reports made by.....	117, 118, 137, 171, 316, 392
Resolutions offered by.....	15, 57, 207, 224
Motions made by.....	8, 11, 61, 65, 95, 231, 571
Petitions presented by.....	159, 231, 297, 355, 652

G

GIFFORD, WILLIAM H.—

Appeared and sworn in.....	4
Bills introduced by.....	118, 358, 431
Committees appointed on, Standing.....	62, 63, 64
Committees appointed on, Select.....	118
Reports made by.....	116, 136, 242, 316, 317, 356, 446, 472
Motions made by.....	96, 157, 183, 419, 644
Petitions presented by.....	618

GIVAN, NOAH S.—

Appeared and sworn in.....	5
Bills introduced by.....	52, 73, 101, 119, 296, 481
Committees appointed on, standing.....	62, 64
Reports made by.....	135
Resolutions offered by.....	218
Motions made by.....	19, 223, 329, 343, 395, 441, 526, 623, 636
Claims presented by.....	250

GLAZE BROOK, L. DOW—

Appeared and sworn in.....	5
Bills introduced by.....	300, 378
Committees appointed on, standing.....	62, 63
Committee appointed on, select.....	79, 470
Reports made by.....	144, 344, 544
Resolutions offered by.....	23
Petitions presented by.....	108, 211

GLASGOW, EUGENIUS B.—

Appeared and sworn in.....	6
Bills introduced by.....	110, 321
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	90
Reports made by.....	134, 443, 444
Motions made by.....	594
Petitions presented by.....	361

GOBLE, ISRAEL—

Appeared and sworn in.....	5
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	296, 470

GODDIE, GEORGE—

Appeared and sworn in.....	4
Committees appointed on, standing.....	62, 65
Committees appointed on, select	90, 102
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GREGORY, ROBERT—

Appeared and sworn in.....	6
Bills introduced by.....	212, 222
Committees appointed on, standing.....	62, 64, 65
Committees appointed on, select	113, 212
Reports made by	143, 277, 427
Resolutions offered by.....	67, 91, 243
Motions made by.....	73, 277, 282, 351
Claims presented by.....	397

GRONENDYKE JOHN—

Appeared and sworn in.....	6
Bills introduced by.....	181
Committees appointed on, standing	61, 62, 63
Committees appointed on, select.....	56
Claims presented by.....	487

H

HATCH, JETHRO A.—

Appeared and sworn in	5
Bills introduced by.....	23, 320, 511
Committees appointed on, standing.....	62, 64
Committees appointed on, select.....	79, 90, 212
Reports made by.....	169, 445
Resolutions offered by.....	181
Petitions presented by.....	250

HARDESTY, JOHN O.—

Appeared and sworn in.....	10
Committees appointed on, standing.....	62, 65
Committees appointed on, select.....	50, 232
Bills introduced by	82, 109, 300
Resolutions offered by.....	21, 55, 59, 232
Motions made by.....	17, 21, 615

HEDRICK, JOHN F.—

Appeared and sworn in	5
Bills introduced by.....	159
Committees appointed on.....	62
Reports made by	385, 478, 479, 606
Reports made by.....	170, 216, 217, 470, 471
Petitions presented by.....	297, 377, 483

HELLER, MAHLON—

Appeared and sworn in.....	4
Bills introduced by.....	480
Committees appointed on, standing.....	63, 64
Committees appointed on, select.....	56
Resolutions offered by.....	72
Motions made by.....	79, 233, 375

HENDERSON, JOSEPH—

Appeared and sworn in.....	6
Bills introduced by.....	84, 321
Committees appointed on, standing.....	62, 64
Committees appointed on, select.....	15, 90, 113, 179
Reports made by.....	212
Motions made by.....	149
Petitions presented by.....	85, 117, 49

HOLLINGSWORTH, ELISHA—

Appeared and sworn in.....	6
Bills introduced by.....	93, 110, 321
Committees appointed on, standing.....	61, 62
Committees appointed on, select.....	90
Resolutions offered by.....	126, 181, 449
Motions made by.....	41
Petitions presented by.....	361, 652

HOYER, ADAM G.—

Appeared and sworn in.....	6
Committees appointed on, standing.....	62, 63, 64
Reports made by.....	133

I

ISENHOWER, JOHN R.—

Appeared and sworn in.....	5
Bills introduced by.....	74, 108, 120, 175, 297
Committees appointed on, standing.....	61, 63, 64
Committees appointed on, select.....	102
Reports made by.....	441

J

JOHNSON, EDWARD T.—

Appeared and sworn in.....	6
Bills introduced by.....	83, 124, 165, 180, 220, 278, 484, 485
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	24, 668
Reports made by.....	162, 211, 219, 260, 351, 357, 370, 442
Petitions presented by.....	164
Chairs presented by.....	180, 278, 561

JOHNSON, DOVE E.—

Nominated for Principal Clerk.....	10
Voted for as Principal Clerk.....	11

JONES, THOMAS M.—

Appeared and sworn in.....	5
Bills introduced by.....	317, 652
Committees appointed on, standing.....	63, 64
Petitions presented by.....	318

K

KIMBALL, NATHAN.—

Appeared and sworn in.....	6
Bills introduced by.....	51, 83, 189, 208, 220, 265, 283, 300, 524
Committees appointed on, standing.....	61, 63, 65
Committees appointed on, select.....	15, 90, 225, 366, 561, 562, 606
Reports made by.....	302, 320, 374, 398, 427, 456, 524, 525, 615
Resolutions offered by.....	19, 206, 218, 256, 562, 568
Nominations made by.....	8, 10, 11, 13, 160
Motions made by.....	94, 95, 245, 267, 266, 319, 316, 348, 377, 381, 383, 384, 385, 397, 399, 415, 416, 556, 559, 561, 595, 597, 598, 612, 615, 616, 644, 646, 668
Joint Resolutions introduced by.....	52
Claims presented by.....	226, 230, 468

KING, EDWARD.—

Appeared and sworn in.....	6
Bills introduced by.....	83, 84, 124, 125, 230
Committees appointed on, standing.....	63
Committees appointed on, select.....	24, 102, 421
Reports made by.....	170, 271, 448, 473
Resolutions offered by.....	108, 124, 212
Motions made by.....	119, 156, 224, 283, 635, 636
Claims presented by.....	219, 350
Petitions presented by.....	300

KIRKPATRICK, THOMAS M.—

Appeared and sworn in.....	5
Bills introduced by.....	104, 432
Committees appointed on, standing.....	62, 64
Committees appointed on, select.....	56
Resolutions offered by.....	104, 207
Motions made by.....	624

L

LEE, PATRICK H.—

Appeared and sworn in.....	6
Committees appointed on, standing.....	62, 65
Committees appointed on, select.....	16, 118
Motions made by.....	51

LENFESTY, EDWARD S.—

Appeared and sworn in.....	5
Bills introduced by.....	53, 103, 120, 268, 219, 650
Committees appointed on, standing.....	62, 64
Reports made by.....	115, 238, 269, 274, 275, 478, 601, 607, 609, 631
Resolutions offered by.....	51, 103, 663
Motions made by.....	12, 117, 169, 377, 596, 497, 413, 461, 491, 589, 621
Petitions presented by.....	120, 445
Claims presented by.....	166

LENT, CYRUS V. N.—

Appeared and sworn in.....	6
Bills introduced by.....	486
Committees appointed on, standing.....	62, 63

OCKHART, W. THOMAS—

Nominated for Doorkeeper.....	13
Elected Doorkeeper.....	2

M

MARTIN, MARQUIS L.—

Appeared and sworn in.....	4
Bills introduced by.....	77, 481
Committees appointed on, Standing.....	61, 64, 65
Joint resolutions introduced by.....	376

McCONNELL, JOHN M.—

Appeared and sworn in.....	4
Committees appointed on, Standing.....	62, 63, 65
Committees appointed on Select.....	672
Motions made by.....	470, 590

McKINNY, JAMES A.—

Appeared and sworn in.....	5
Committees appointed on, Standing.....	62

McLAIN, MOSES G.—

Nominated for Assistant Clerk.....	11
Elected Assistant Clerk.....	11

MELLETT, ARTHUR C.—

Appeared and sworn in.....	10
Bills introduced by.....	22, 92, 120, 221, 329, 468, 571
Committees appointed on, Standing.....	62, 63, 64
Committees appointed on, Select.....	50
Reports made by.....	222, 279, 315, 394, 449, 504
Resolutions offered by.....	218
Motions made by.....	468, 571, 621, 632
Petitions presented by.....	257

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Announcing signature of House Bill No. 33.....	123
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Announcing passage of Senate Bill No. 65.....	260
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Announcing passage of House Bill No. 73.....	512
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Announcing passage of Senate Bills Nos. 146, 40, 54.....	515
Announcing passage of Senate Bill No. 45 and House Bill No. 257.....	544
Announcing signature of Senate Bill No. 45.....	549
Returning Senate Bill No. 118.....	549
Announcing signature of House Bills Nos. 254, 73.....	551
Announcing passage of House Bill No. 163.....	561
Announcing passage of resolution in regard to Senate Bill No. 45.....	562
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Announcing passage of concurrent resolution.....	582
Announcing passage of House Bills No 90, 93.....	584
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Announcing passage of Senate Bill No. 151.....	593
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Announcing passage of Senate Bill No. 57.....	627
Announcing passage of House Bill No. 148.....	630
Announcing refusal of Senate to concur in House amendments to Senate Bill No. 166.....	630
Returning Senate Bill No. 146.....	631
Announcing passage of House Bills Nos. 185, 235.....	638
Returning Senate Bill No. 54.....	638
Announcing passage of Senate Bill No. 71.....	643
Announcing signature of House Bills Nos. 90, 134, 172, 227, 185, 235, and House Joint Resolution No. 7.....	645
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MILLER, JOHN D.—

Appeared and sworn in.....	4
Bills introduced by.....	73, 119, 174
Committees appointed on, standing.....	62, 64, 112
Committee appointed on, select.....	50
Reports made by.....	114, 131, 210, 259, 270, 349 350, 370, 446, 447, 539
Resolutions offered by.....	119, 285, 482
Motions made by.....	153, 246, 271, 440, 484, 612, 637, 663
Petitions presented by.....	297

MORTON, OLIVER P.—

Nominated for United States Senator.....	201
Elected United States Senator.....	201

N

NIXON, CYRUS T.—

Nominated for Principal Clerk.....	10
Elected Principal Clerk.....	10

NORTH, BENJAMIN—

Appeared and sworn in.....	6
Bills introduced by.....	220
Committees appointed on, standing.....	62, 64

O

ODLE, RICHARD G.—

Appeared and sworn in.....	6
Bills introduced by.....	89
Committees appointed on, standing.....	61, 63
Motions made by.....	463

OFFUTT, CHARLES G.—

Appeared and sworn in.....	5
Bills introduced by.....	104, 156, 245
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	15, 90, 424, 667, 668
Reports made by.....	57, 134, 443, 456
Resolutions offered by.....	15, 482, 662
Motions made by.....	21, 90, 177, 250, 375, 432, 480, 551

OGDEN, JESSE S.—

Appeared and sworn in.....	6
Bills introduced by.....	251, 273, 487
Committees appointed on, standing.....	61, 62, 63
Committees appointed on, select.....	24, 56
Report made by.....	94, 132, 172, 211, 258, 273, 318, 348, 355, 459, 471
Motions made by.....	93, 273, 410, 462, 533, 534

P

PEED, HENRY A.—

Appeared and sworn in.....	5
Bills introduced by.....	22, 85, 164, 318, 378, 484
Committees appointed on, standing.....	61, 63, 64
Committees appointed on, select.....	621
Reports made by.....	451, 633
Resolutions offered by	85, 180
Motions made by	451, 474
Claims presented by	528, 580

PFRINMER, WILLIAM H.—

Appeared and sworn in.....	5
Bills introduced by.....	71, 104, 329
Committees appointed on, standing.....	62, 64
Reports made by.....	216
Resolutions offered by	157, 663

PRENTISS, WILLIAM—

Appeared and sworn in.....	5
Bills introduced by.....	651
Committees appointed on, standing.....	53, 64, 65
Petitions presented by.....	669

R

RENO, JESSE H.—

Appeared and sworn in.....	6
Bills introduced by.....	32
Committees appointed on, standing.....	52, 63, 64

REEVES ANDREW W.—

Appeared and sworn in.....	6
Committees appointed on, standing.....	63, 64, 65
Reports made by.....	217, 276, 447, 448
Resolutions offered by.....	125
Petitions presented by.....	318

RICHARDSON, JOHN F.—

Appeared and sworn in.....	4
Bills introduced by.....	245
Committees appointed on, standing.....	63
Committees appointed on, select.....	90, 90, 232
Reports made by.....	173, 356
Resolutions offered by	99
Nominations made by.....	8, 10, 11, 13
Motions made by.....	222, 440, 471

RIGGS, AMES D.—

Appeared and sworn in.....	6
Bills introduced by.....	88, 165, 322, 370, 487
Committees appointed on, standing.....	61, 62, 64
Committees appointed on, select.....	90
Reports made by.....	209, 266, 267, 370, 371, 599, 600, 602, 603
Claims presented by	488

RUDDER, JAMES—

Appeared and sworn in.....	6
Bills introduced by.....	322
Committees appointed on, standing.....	62
Motions made by.....	502

RUMSEY, JOHN E.—

Appeared and sworn in.....	5
Bills introduced by.....	121
Committees appointed on, standing.....	62, 64, 65
Committees appointed on, select.....	232
Reports made by.....	68, 355
Resolutions offered by.....	59, 147, 175
Motions made by.....	225, 232

S

SATTIERWHITE, HARVEY—

Appeared and sworn in.....	6
Bills introduced by.....	125, 318, 360
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	16
Reports made by.....	20, 353, 444, 470
Resolutions offered by.....	15, 319
Motions made by.....	428, 433
Petitions presented by.....	486

SCHMUCK, GABRIEL—

Appeared and sworn in.....	6
Bills introduced by.....	85, 487
Committees appointed on, standing.....	63, 64
Committees appointed on, select.....	118
Resolutions offered by.....	157
Motions made by.....	165, 636
Petitions presented by.....	320

SCHELL, FRANK M.—

Nominated for Doorkeeper.....	13
Voted for as Doorkeeper.....	14

SCOTT, DAVID S.—

Appeared and sworn in.....	5
Committees appointed on, standing.....	63, 64, 65
Resolutions offered by.....	174
Motions made by.....	480

SHIRLEY, WILLIAM S.—

Appeared and sworn in.....	6
Bills introduced by.....	23, 58, 59, 76, 77, 78, 125, 223, 318, 360, 361, 468
Committee appointed on, Standing.....	61, 62, 63, 112
Committees appointed on, Select.....	50
Reports made by.....	114, 158, 205, 211, 351, 439, 443, 546
Resolutions offered by.....	50, 147, 156, 181, 397, 458
Motions made by.....	51, 76, 166, 383, 387, 474, 664
Joint resolutions introduced by.....	16
Claims presented by.....	580

SHUTT, SAMUEL S.—

Appeared and sworn in.....	5
Committees appointed standing.....	62, 64
Reports made by.....	267, 268, 372, 609
Motions made by.....	656
Claims presented by.....	296, 482

SMITH, WALTER B.—

Appeared and sworn in.....	6
Bills introduced by.....	88, 110, 221
Committees appointed on, Standing.....	65
Resolutions offered by.....	87
Motions made by.....	635

SPELLMAN, SAMUEL D.—

Appeared and sworn in.....	6
Committee appointed on, standing.....	62

STANLEY, HENRY C.—

Appeared and sworn in.....	6
Committees appointed on, standing.....	62, 65

STRANGE, WILLIAM—

Appeared and sworn in.....	4
Bills introduced by.....	109, 436
Committees appointed on, standing.....	62, 64
Committee appointed on, select.....	90
Petitions presented by.....	342

T

TEBBS, GEORGE B.—

Nominated for assistant clerk.....	11
Voted for as assistant clerk.....	12

TEETER, GEORGE H.—

Appeared and sworn in.....	5
Bills introduced by.....	484
Committees appointed on, standing.....	62, 64
Committee appointed on, select.....	179
Petitions presented by.....	123
Joint Resolutions introduced by.....	239

THAYER, JOHN D.—

Appeared and sworn in.....	5
Committees appointed on, standing.....	62, 63
Committees appointed on, select.....	50, 644
Resolutions offered by.....	650
Motions made by.....	486
Nominations made by.....	201

THOMPSON, JOHN E. (Elkhart)—

Appeared and sworn in.....	5
Bills introduced by.....	74, 159, 213
Committees appointed on, standing.....	62, 64

THOMPSON, JOHN E.—Continued.

Committees appointed on, select.....	672
Reports made by	373, 652, 672
Resolutions offered by.....	672
Motions made by.....	475
Petitions presented by.....	120, 654

THOMPSON, WILLIAM (Spencer)—

Appeared and sworn in.....	6
Committees appointed on, standing.....	63, 64

TINGLEY, BENJ. F.—

Appeared and sworn in.....	6
Bills introduced by.....	126
Committees appointed on, standing.....	61, 62
Petitions presented by.....	651

TROUTMAN, PETER L.—

Appeared and sworn in.....	5
Bills introduced by.....	102
Committees appointed on, standing.....	61, 64, 65
Committees appointed on, select.....	179
Resolutions offered by.....	59, 483, 513
Motions made by	551, 558

TULLEY, CYRUS B.—

Appeared and sworn in.....	6
Bills introduced by.....	182
Committees appointed on, standing	61, 65
Committees appointed on, select.....	56
Resolutions offered by.....	663
Motions made by.....	438, 469

W

WALKER, LOUIS G.—

Appeared and sworn in.....	6
Bills introduced by.....	110, 166, 181, 182, 231, 251, 286, 468
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	24, 50, 296, 432, 631, 644
Reports made by.....	68, 69, 113, 116, 130, 131, 205, 209, 315, 344, 345, 366, 382, 438
Resolutions offered by.....	14, 16, 22, 60, 329, 397, 432
Motions made by.....	67, 112, 167, 326, 383, 387, 426, 461, 462, 469, 493, 495, 496 559, 562, 611, 620
Claims presented by.....	488

WESNER, CHRISTIAN S.—

Appeared and sworn in.....	4
Bills introduced by	228, 229, 245, 295, 375, 480
Committees appointed on, standing	62, 64
Committees appointed on, select.....	56
Motions made by	496, 578
Petitions presented by.....	328

WHITWORTH, JAMES W.—

Appeared and sworn in.....	6
Bills introduced by	320, 487
Committees appointed on, select.....	50

WILLARD, JAMES H.—

Appeared and sworn in.....	5
Bills introduced by.....	101, 296
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	50, 90, 102
Reports made by.....	136, 311
Resolutions offered by.....	102
Motions made by.....	117, 137, 317, 333
Petitions presented by.....	376

WILLIAMS, JAMES D.—

Nominated for United States Senator.....	201
Voted for as United States Senator	201

WILSON, ABRAHAM—(Jay and Blackford.)

Appeared and sworn in.....	5
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	102

WILLSON, WILLIAM D. (of Ripley)—

Appeared and sworn in.....	5
Bills introduced by.....	78, 77, 108, 175, 298, 377
Committees appointed on, standing.....	61, 64
Committees appointed on, select.....	56, 621, 667
Resolutions offered by.....	656
Reports made by.....	114, 132, 243, 259, 346, 347, 367, 368, 461, 576
Motions made by.....	71, 76, 77, 80, 397, 407, 488, 490, 592, 650

WOOD, MARTIN—

Appeared and sworn in.....	5
Bills introduced by.....	79, 108, 179, 249
Committees, appointed on, standing.....	62, 64, 65
Committees appointed on, select.....	56, 90, 179
Motions made by.....	79, 144, 465, 514
Petitions presented by.....	483

WOODARD, JOHN E.—

Appeared and sworn in.....	6
Bills introduced by.....	85, 109, 221, 318
Committees appointed on, standing.....	62
Committees appointed on, select.....	24, 118, 470
Reports made by.....	353, 394
Resolutions offered by.....	50, 58, 93, 220, 256, 361, 426, 469, 544
Motions made by.....	10, 56, 111, 214, 409, 411, 460, 517, 672
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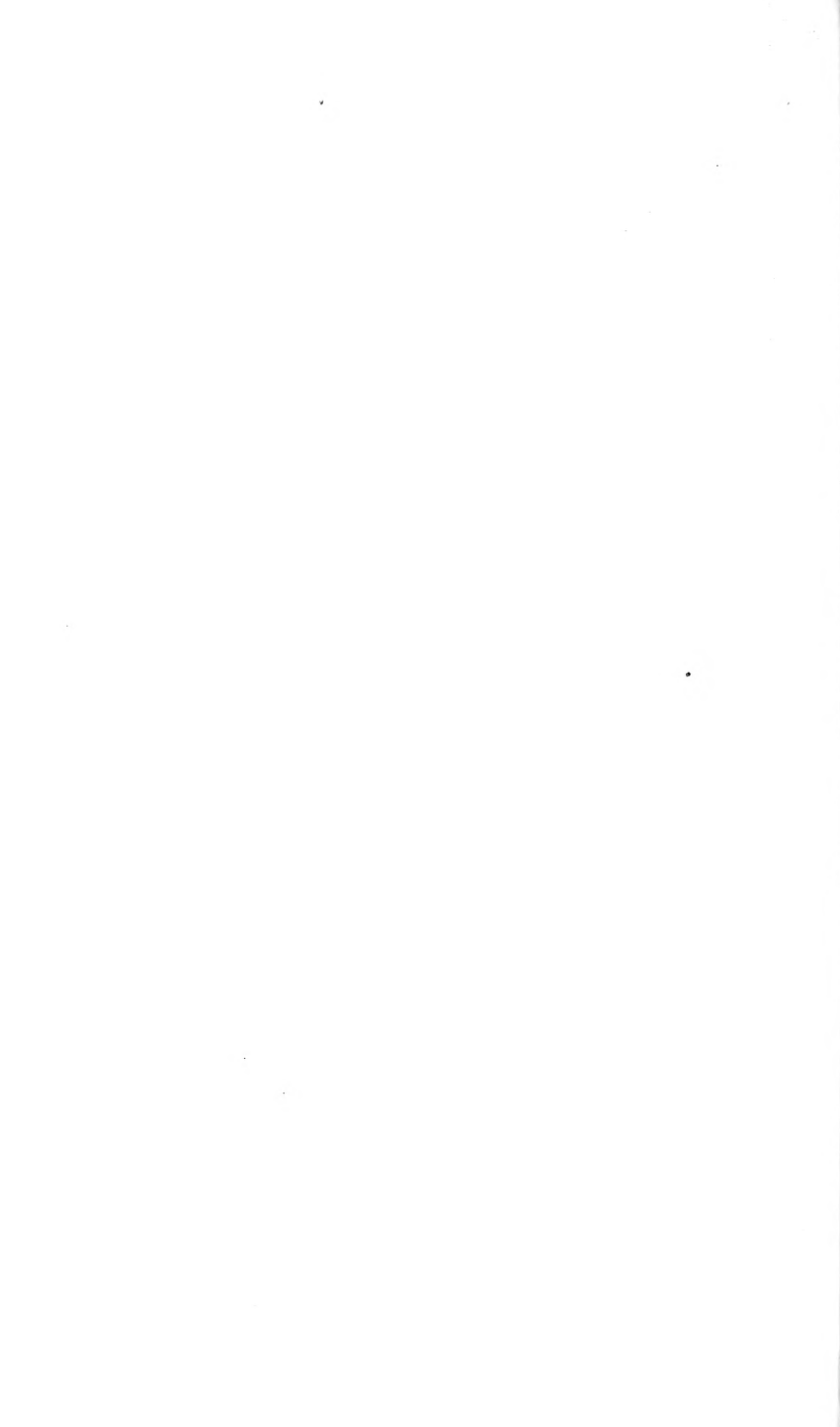
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